

(Related to Landlord Rental Licensure)

Harrison Township Code of Ordinances

Chapter 11: Housing

Part 1: TENANT REGISTRATION

§ 101 Purposes.

[Ord. 1820, 8/19/1991, § 1]

This Part is enacted to provide for the uniform and equitable distribution of the tax levies in the Township and upon the inhabitants thereof and to promote the health, safety, morals and general welfare of the inhabitants of the Township.

§ 102 Findings of Fact.

[Ord. 1820, 8/19/1991, § 2; as amended by Ord. 1865, 2/24/1997, § 3]

The Board of Commissioners finds that registration of tenants and other nonowner occupants of real estate is necessary in order to have accurate records of the numbers and identities of Township residents for purposes of taxation, zoning, recycling, fire prevention, and other efforts in furtherance of the public health, safety and welfare. The Board also finds that the Township has experienced more problems with the maintenance of nonowner occupied properties than with owner occupied properties and that pre-occupancy inspection for dangerous conditions promotes the health, safety and welfare of occupants of rental units by reducing the possibility of such occupants being exposed to dangerous conditions.

§ 103 Definitions and Interpretation.

[Ord. 1820, 8/19/1991, § 3]

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

BUSINESS UNIT

A parcel of real estate, with or without improvements located thereon, utilized by any person or persons for any commercial activity or purpose.

DWELLING UNIT

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 for more than 30 days.

LANDOWNER

A lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Township, or a lessor or person who acts as agent for the lessor, of any improvements on real estate or any building located in the Township, or an owner or person in charge of any parcel of real estate on which dwelling units are occupied by persons other than the owners or the owners'

relatives including, but not limited to, group homes, community living arrangements, boarding houses, personal care homes, domiciliary lands and long-term care facilities.

PERSON

Any individual, partnership, association, firm or corporation.

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, including, 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.

[Added by Ord. 1954, 9/26/2011]

TENANT or OCCUPANT

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

[Amended by Ord. 1954, 9/26/2011]

§ 104 Reports by Landowners.

[Ord. 1820, 8/19/1991, § 4; as amended by Ord. 1865, 2/24/1997, § 1]

Within 60 days from the effective date of of this Part, each landowner 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 and business units owned by the landowner, located within the Township limits, whether occupied or not occupied.

B. Address of each dwelling unit and business unit.

C. Brief description of each dwelling unit or business unit.

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

E. Names of the tenants or occupants occupying the aforementioned dwelling unit or business unit, if any, and the age, occupation and employer of each such tenant or occupant.

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

§ 105 Reports by Persons Upon Becoming Landowners.

[Ord. 1820, 8/19/1991, § 5; as amended by Ord. 1865, 2/24/1997, § 1]

After the effective date of this Part, any person who becomes a landowner of any parcel of real estate or any improvement on real estate or building located in the Township by agreement of sale, by deed, or by any other means, shall within 14 days thereafter, report to the Township Ordinance Enforcement Officer the information and data set forth in § 104, above, and on forms to be provided by the Township Ordinance Enforcement Officer.

§ 106 Reports of Changes in Use or Occupancy.

[Ord. 1820, 8/19/1991, § 6; as amended by Ord. 1865, 2/24/1997, § 1]

After the effective date of this Part, each and every landowner of property within the Township shall report to the Township Ordinance Enforcement Officer on a report form to be supplied by the Township Ordinance Enforcement Officer, any change in the use or occupancy of any dwelling unit or business unit owned by such landowner. The reported change shall include the information described in § 104, above, the date when such change was effected, and the forwarding address of the old tenants or occupants if known. A landowner of a hotel or motel shall not be required to report a person as a "tenant" until that person has resided in such landowner's establishment for a period exceeding 30 days. In the event that a dwelling unit or business unit was used by a tenant or occupant and then becomes vacant, this change shall also be reported to the Township Ordinance Enforcement Officer. All reports required by this Section shall be made within 14 days after a landowner has knowledge that such a unit has had a change in occupancy or has become vacant.

§ 107 Duties of the Township Ordinance Enforcement Officer.

[Ord. 1820, 8/19/1991, § 7; as amended by Ord. 1865, 2/24/1997, § 1]

The Township Ordinance Enforcement Officer, under the authority of this Part, shall:

A. Maintain on file at the Township office, the names of the landowners owning dwelling units and business units in the Township, said list to include the names of and pertinent information about the current tenants or occupants of said dwelling units and business units.

B. Maintain a supply of forms for landowners to use in making reports to the Township Ordinance Enforcement Officer as required by §§ 104, 105, and 106 of this Part.

C. Notify the Chief of Police and the appropriate fire chief of the Township of the address and description of any dwelling unit or business unit that is vacant, unoccupied and not in use.

§ 108 Enforcement Procedures.

[Ord. 1820, 8/19/1991, § 8; as amended by Ord. 1865, 2/24/1997, § 4]

1. When a change in use or occupancy is reported, or suspected, the Ordinance Enforcement Officer ("Officer") will promptly inspect the premises.

2. During the inspection, the Officer shall obtain, by way of questions and/or observation, the following information:

A. The number of tenants or occupants and the number of dwelling units.

B. The name, age, occupation and employer of each tenant or occupant.

C. The presence and functioning of smoke detection devices as required by Chapter 7 of the Township Code of Ordinances.

D. The presence of any unsafe condition which violates the requirements of the Township's Fire Prevention Code as adopted pursuant to Chapter 5 of the Township Code of Ordinances, the dangerous building provisions of Chapter 4 of the Township Code of Ordinances or the property maintenance requirements of Chapter 10, Part 3, of the Township Code of Ordinances.

E. For buildings with less than four dwelling units, the presence of Township authorized recycling containers.

3. If the Officer finds that operable smoke detectors are not provided as required, he shall proceed to enforce the provisions of Chapter 7 relating to smoke detectors.

4. If the Officer finds that any other conditions exist which violate the provisions of Chapter 4, Chapter 5 or Chapter 7, he shall, with any other appropriate officials, institute enforcement of Chapters 4, 5 and Chapter 7. If the Officer finds other health hazards to exist, he shall notify the Allegheny County Health Department and the landowner.

5. The Officer shall report his findings concerning the number, name, age, occupation and employer of tenants or occupants and the presence of recycling containers to the Township Secretary.

**6. The Officer shall investigate to determine whether the landowner owns any real property within the Township for which there exists on the real property a final and unappealable tax, water, sewer or refuse collection bill delinquency on account of the actions of the landowner and within the meaning of the Neighborhood Blight Reclamation Revitalization Act.
[Added by Ord. 1954, 9/26/2011]**

A. If the Officer finds that such a delinquency exists, then the Officer shall deny an occupancy permit for the dwelling unit in question in accordance with all applicable procedures set forth in the Neighborhood Blight Reclamation Revitalization Act.

**7. The Officer shall investigate to determine whether insurance coverage is in place as required by this Part. If the Officer finds that the required coverage is not in place, he shall deny the occupancy permit.
[Added by Ord. 1954, 9/26/2011]**

**8. Denial or Revocation of Occupancy Permit.
[Added by Ord. 1954, 9/26/2011]**

A. The Officer shall state in writing the reasons for any denial or revocation of an occupancy permit. Any person aggrieved by the Officer's denial or revocation of an occupancy permit may appeal such denial by submitting a written request for a Local Agency Law hearing to the office of the Township Secretary within 20 days from the date of mailing of the denial letter and accompanied by a nonrefundable appeal fee of \$50, the amount of such fee to be subject to adjustment by resolution of the Board of Commissioners.

B. Such written request for a Local Agency Law hearing shall state the grounds upon which the request is made. The appellant shall be responsible for the cost of the stenographer's appearance fee and the cost of

any advertising of such hearing. The Township Board of Commissioners may act as the Local Agency Law appeal hearing body or may appoint a tribunal or hearing officer to hear the appeal and to make a recommended ruling to the Board of Commissioners.

§ 109 Inspection Fee.

[Ord. 1820, 8/19/1991; as added by Ord. 1846, 1/23/1995, § 9]

1. The landowner shall pay an inspection fee of \$10 to the Officer for each inspection.
2. After the date of adoption of this Section, inspection fees may be amended by resolution of the Board of Commissioners.

§ 110 Penalties.

[Ord. 1820, 8/19/1991, § 9; as amended by Ord. 1865, 2/24/1997, § 2]

Any person who shall violate any provision of this Part or who knowingly files a false report required under this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and, in default of payment, to imprisonment for a term not to exceed 30 days.

§ 111 Prohibition of Occupancy.

[Ord. 1820, 8/19/1991, § 9; as added by Ord. 1865, 2/24/1997, § 5]

No dwelling unit shall be occupied by other than the owner thereof unless it has been inspected by the Ordinance Enforcement Officer for compliance with smoke detection device requirements and unsafe conditions, in accordance with § 108.2C and D of this Part. If a unit is occupied in violation of this Section, both the owner and the occupant shall be deemed to be in violation.

§ 112 Property and Fire Insurance Required.

[Added by Ord. 1954, 9/26/2011]

In order to protect the health, safety and welfare of the Township, and of tenants, and of property owners in the immediate vicinity of rental dwelling units, all owners of rental dwelling units shall be required to maintain property and fire insurance coverage in effect at all times in an amount as set forth below in order to obtain an occupancy permit. No occupancy permits shall be issued for any such rental unit unless the owner of the unit provides proof to the Township that property and fire insurance is in effect as required by this Section. Occupancy permits issued after adoption of this Section may be revoked for failure to maintain or provide proof of the required insurance.

A. Minimum Coverage. Property and fire insurance shall be provided in an amount equal at least to the value of the property insured but in no case less than \$25,000.

B. Insurance Requirements. The property owner shall provide the Township, at least annually and also upon request, with the insurance company name, policy number, policy expiration date, and the amount of insurance coverage, and with a certificate of insurance acceptable to the Township and containing proof

that the required insurance is in place and will not be terminated without 30 days' advance notice to the Township.

C. Alternative to Insurance.

(1) In lieu of the insurance requirements stated above, the property owner may furnish the Township with a bond or irrevocable letter of credit issued by a federal or Commonwealth chartered lending institution actively conducting business in Allegheny County, or a cash deposit. The amount of such letter of credit, bond or cash deposit shall be equal at least to the value of the property insured or \$25,000, whichever is greater.

(2) Such bond or letter of credit shall provide for and secure to the Township the repair or removal of any property damage or a fire, accident, natural disaster or lack of maintenance by the owner. The proceeds of such bond, letter of credit or cash deposit shall be accessed and used by the Township for costs of any nature incurred in connection with removal or repair of the property, including but not limited to Township labor costs, material costs, costs of outside contractors, professional fees, expense of court proceedings, and the filing of liens.

D. Notification to Tenants. Within 60 days of this Section, each landowner shall notify each tenant of the insurance requirement set forth in this Section and that the landowner's failure to maintain or provide proof of such insurance may terminate occupancy of the rental dwelling unit.

E. Insurance Requirement Effective Date. The requirement to maintain fire and property insurance as required by this Section shall go into affect 60 days after the date of adoption of this Section by the Board of Commissioners.^[1]

[1] Editor's Note: Ordinance No. 1954, which added this Section, was adopted 9/26/2011.

F. Determination of Value and Sufficiency. The Township shall, in its sole discretion, determine the value of the property and/or the sufficiency of insurance, an insurance certificate, bond or letter of credit for purposes of implementing this Section.

G. Regulations and Forms. The Township Board of Commissioners is authorized to adopt, by way of resolution, any rules and regulations necessary or helpful for the implementation or enforcement of this Section. The Officer may adopt and require the completion of any form to implement this Section.
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:

A. The Township has over 1,000 residential rental units.

B. In many cases, rental properties have been poorly maintained, with adverse impact on the public safety, the safety of tenants and property values.

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.

I. Registration of tenants and other nonowner occupants of real estate is necessary in order to have accurate records of the numbers and identities of Township residents for purposes of taxation, zoning, garbage collection and recycling, fire prevention, and other efforts in furtherance of the public health, safety and welfare. The Board also finds that the Township has experienced more problems with the maintenance of non-owner-occupied properties than with owner-occupied properties and that preoccupancy inspection for dangerous conditions promotes the health, safety and welfare of occupants of rental units by reducing the possibility of such occupants being exposed to dangerous conditions.

§ 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 Officer of the premises at reasonable times, upon reasonable notice, for the purpose of enforcing this Part 2.

§ 206 Duties of the Township Ordinance Enforcement Officer.

[Ord. 1969, 6/23/2014]

The Township Ordinance Enforcement Officer, under the authority of this Part, shall:

A. Maintain on file at the Township office the names of the landowners owning dwelling units in the Township, said list to include the names of and pertinent information about the current tenants or occupants of said dwelling units.

B. Maintain a supply of forms for landowners to use in making reports to the Township Ordinance Enforcement Officer as required.

C. Maintain a list of tenants who have been evicted from licensed rental units for violation of this Part 2.

D. Notify the Chief of Police and the appropriate Fire Chief of the Township of the address and description of any dwelling unit that is vacant, unoccupied and not in use.

§ 207 License and Inspection; Fees; Appeals.

[Ord. 1969, 6/23/2014]

1. License Requirement.

A. A license shall be required for all rental dwelling units prior to occupancy by a new tenant or occupant, except for owner-occupied rental units.

B. The application for the license inspection shall be on a form as determined by the Township. The owner shall pay a license fee of \$50, the amount of such fee to be subject to adjustment by resolution of the Board of Commissioners.

C. The owner shall furnish a copy of the signed landlord/tenant lease Township addendum with the application. If the owner uses more than one form of the lease, the owner shall furnish a copy of each form. No license will be issued if the landlord/tenant lease does not meet the requirements of § 204, Subsection 6, of this Part. A copy of the license issued shall be given to the tenant by the landlord.

D. The license application must include a floor plan, with the measurements of each room within the rental dwelling unit and of any common area. Such floor plan need only be submitted with the first license application, provided that, if there are changes to the floor plan, the owner shall submit a revised floor plan with the next license application.

E. If a license is denied, the reason for denial shall be stated in the denial notice.

F. Any person aggrieved by the denial or issuance of a license may appeal by submitting a written request for a Local Agency Law appeal hearing to the Township Secretary within 20 days from the date of mailing of the denial letter or grant of a license, and accompanied by a nonrefundable appeal fee of \$50, the amount of said fee to be subject to adjustment by resolution of the Board of Commissioners. Such written request for an appeal hearing shall state the grounds upon which it is made. The appellant shall be responsible for the cost of the stenographic appearance fee and any cost of advertising the hearing. The

Board of Commissioners may act as the Local Agency Law appeal hearing body or may appoint a tribunal or hearing officer to hear the appeal and either to decide the appeal or to make a recommended ruling to the Board of Commissioners.

2. License Term, Fee and Occupancy Limit.

A. A license shall expire upon the earlier of:

(1) Three years from issuance; or

(2) Termination of the lease under which the premises were rented at the time of license issuance.

B. The license shall indicate thereon the maximum number of occupants in each rental dwelling unit and the names of the tenants.

C. No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Part 2 or any of the ordinances of the Township relating to land use and/or code enforcement, or if any licensing fees under this Part are due and owing to the Township, or if the owner owns any real property within the Township for which there exists on the real property a final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner and within the meaning of the Neighborhood Blight Reclamation Revitalization Act.^[1]

[1] Editor's Note: See 53 Pa. C.S.A. § 6101 et seq.

3. Inspection.

A. All premises shall be subject to periodic inspections by the Ordinance Enforcement Officer or another duly authorized agent of the Township as a condition of license issuance. Such inspection is required when an application is submitted for a license and may also be conducted at any time to implement and enforce this Part 2.

B. The Ordinance Enforcement Officer is hereby designated as the official authorized to enforce this Part 2 and to take appropriate measures to abate violations herein, for and on behalf of Harrison Township. The police will also have the authority to enforce this Part 2 and take appropriate action to abate violations.

C. This section shall not be construed so as to limit or restrict the Ordinance Enforcement Officer's authority to conduct inspections of premises, whether or not subject to the permitting and inspection requirements of this Part 2 or pursuant to any other ordinance or code.

4. Administrative Search Warrant. Upon a showing of probable cause that a violation of this Part 2 or any other ordinance of Harrison Township has occurred, the Ordinance Enforcement Officer may apply to the Magisterial District Judge having jurisdiction in Harrison Township for an administrative search warrant to enter and inspect the premises.

§ 208 Grounds for Nonrenewal Suspension or Revocation of License.

[Ord. 1969, 6/23/2014]

1. General. The Ordinance Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, nonrenewal, suspension or revocation of the owner's license, for violating any provision of this Part 2 that imposes a duty upon the owner, and/or for failing to regulate the breach of duties by occupants as provided herein.

2. Definitions of Options.

A. Formal warning: formal written notification of at least one violation of this Part 2. Upon satisfactory compliance with this Part 2 and any conditions imposed by the Ordinance Enforcement Officer, the formal warning shall be removed when the owner applies for license renewal.

B. Nonrenewal: the denial of the privilege to apply for license renewal after expiration of the license term. The Township will permit the owner to maintain occupancy in the premises until the end of the license term but will not accept application for renewal of the license until it is determined by the Ordinance Enforcement Officer that the owner has come into compliance.

C. Suspension: the immediate loss of the privilege to rent rental dwelling units for a period of time set by the Ordinance Enforcement Officer and not to exceed 90 days. The owner, after the expiration of the suspension, may apply for license renewal without the need to show cause why the owners's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

D. Revocation: the immediate loss of the privilege to rent rental dwelling units and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.

3. Criteria for Applying Discipline. The Ordinance Enforcement Officer, when recommending discipline, and Township Board of Commissioners, when applying discipline, shall consider the following:

A. The effect of the violation on the health, safety and welfare of the occupants of the rental dwelling unit and other residents of the premises.

B. The effect of the violation on the neighborhood.

C. Whether the owner has prior violations of this Part 2 and other ordinances of the Township or has received notices of violations as provided for in this Part.

D. Whether the owner has been subject to disciplinary proceedings under this Part 2.

E. The effect of disciplinary action on the occupants.

F. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.

G. The policies and lease language employed by the owner to manage the dwelling unit to enable the owner to comply with the provisions of this Part 2.

H. In addition to applying discipline as set forth above, the Ordinance Enforcement Officer may recommend, and the Township Board of Commissioners may impose, upon the existing or subsequent licenses, reasonable conditions to fulfilling the purposes of this Part 2.

I. Whether findings of disorderly practices have been made with respect to the premises in question, the number of such findings and whether disorderly practices have ceased or have continued.

4. Grounds for Imposing Discipline. Any of the following may subject an owner to discipline as provided for in this Part 2:

A. Failure to abate a violation of Township codes and ordinances that apply to the premises within the time directed by the Ordinance Enforcement Officer.

B. Refusal to permit the inspection of the premises by the Ordinance Enforcement Officer as required by §§ 204, Subsection 12, and 205, Subsection 8, of this Part.

C. Failure to take steps to remedy and prevent violations of this Part 2 by occupants of rental dwelling units as required by § 204, Subsections 9 and 10, of this Part.

D. Failure to file and implement an approved plan to remedy and prevent violations of this Part 2 by occupants of a rental dwelling unit as required by § 204, Subsection 9B and C, of this Part.

E. Failure to evict occupants after having been directed to do so by the Ordinance Enforcement Officer of the Township as provided for in §§ 204, Subsection 9D, and § 208, Subsection 2C and D, of this Part.

F. Three violations of this Part 2 or other ordinances of the Township that apply to the premises within a license term. For purposes of this Part 2, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this section, the owner must have received notice, in writing, of this violation within 30 days after the Ordinance Enforcement Officer received notice of the violation.

5. Procedure for Nonrenewal, Suspension, or Revocation of License.

A. Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the Ordinance Enforcement Officer shall notify the owner and manager of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner and manager in question, and shall contain the following information:

(1) The address of the premises in question and identification of the particular rental dwelling unit(s) affected.

(2) A description of the violation which has been found to exist.

(3) A notice that the rental dwelling unit(s) is in violation of this Part 2, with a specification of the grounds of the violation, including a specification of any suspension, nonrenewal or revocation of a license. The notice shall also state that, during such nonrenewal, suspension or revocation, no person may rent or permit occupancy of the rental dwelling units in question. Such violations must be cured within 30 days from the date of the notice, unless exigent circumstances involving an immediate threat to the public health, welfare or safety dictate more-immediate remediation. In the case of license suspension, nonrenewal or revocation, the notice will state the specific timing of such suspension, nonrenewal or revocation, including the date upon which suspension or nonrenewal will commence, the duration of any suspension and the deadline for commencing eviction of tenants.

(4) Notice that each day the violation remains shall be a separate violation and punishable under § 209 of this Part. The Township shall further have the right to enjoin the obligations and duties created under this Part 2.

(5) Any person aggrieved by the Officer's denial, suspension, nonrenewal or revocation of a license may appeal such denial by submitting a written request for a Local Agency Law hearing to the office of the Township Secretary within 20 days from the date of mailing of the denial letter and accompanied by a nonrefundable appeal fee of \$50, the amount of such fee to be subject to adjustment by resolution of the Board of Commissioners.

(6) Such written request for a Local Agency Law hearing shall state the grounds upon which the request is made. The appellant shall be responsible for the cost of the stenographer's appearance fee and the cost of any advertising of such hearing. The Township Board of Commissioners may act as the Local Agency Law appeal hearing body or may appoint a tribunal or hearing officer to hear the appeal and to make a recommended ruling to the Board of Commissioners.

B. Delivery of Notification.

(1) All notices shall be sent to the owner or manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Ordinance Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. The Ordinance Enforcement Officer shall also post the notice in a conspicuous place on the premises.

(2) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at an address stated on the most-current license application for the premises in question, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the United States mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the United States mail, and all time periods set forth under Subsection 5A above shall thereupon be calculated from said fifth day.

§ 209 Violations and Penalties.

[Ord. 1969, 6/23/2014]

1. Basis for Violation. It shall be unlawful for any person to rent to any person a rental dwelling unit for which a license is required without a valid, current license issued by the Township authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of tenants or occupants of a rental dwelling unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this Part 2. It shall be unlawful for any tenant or occupant to violate this Part 2.

2. Penalties. Any violation of this Part 2 shall constitute a summary offense punishable, upon conviction thereof by a Magisterial District Judge, by a fine not to exceed \$1,000 plus costs of prosecution or, in default of payment of such fines and costs, by a term of imprisonment not to exceed 30 days. Each day of violation shall constitute a separate and distinct offense.

3. Nonexclusive Remedies. The penalty provisions of this Part 2 and the license nonrenewal, suspension and revocation procedures provided in this Part 2 shall be independent, non-mutually-exclusive, separate remedies, all of which shall be available to the Township as may be deemed appropriate for carrying out the purposes of this Part 2. The remedies and procedures in this Part for violation hereof are not intended

to supplant or replace, to any degree, the remedies and procedures available to the Township in the case of a violation of any other code or ordinance of the Township, whether or not such other code or ordinance is referenced in this Part 2 and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part 2.

§ 210 Miscellaneous Provisions.

[Ord. 1969, 6/23/2014]

1. Notices.

A. For purposes of this Part 2, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

B. There shall be a rebuttable presumption that any notice required to be given to the owner under this Part 2 shall have been received by such owner if the notice was given to the owner in the manner provided by this Part 2.

C. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Part 2.

2. Changes in Ownership Occupancy. It shall be the duty of each owner or manager of a rental dwelling unit to notify the Ordinance Enforcement Officer in writing of any change in ownership of the premises or of the number of rental dwelling units on the premises.

3. Owners Severally Responsible. If any rental dwelling unit is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part 2 and shall be severally subject to prosecution for the violation of this Part 2.