

BOROUGH OF EAST BANGOR

ORDINANCE NO. 2011-3 # 3-2011

**LICENSING RESIDENTIAL RENTAL UNITS
WITHIN THE BOROUGH REQUIRING
LICENSING THEREFORE, AND PENALTIES
FOR VIOLATION THEREOF**

The purpose of this ordinance and the policy of the Borough of East Bangor shall be to protect and promote the public health, safety and welfare to its citizens, to establish rights and obligations of owners and occupants to maintain and improve the quality of rental housing within the community. As a means of these ends, this ordinance provides for a systematic inspection program, registration and licensing of residential rental units, and penalties.

Section One - Findings

Section Two - Definitions

Section Three - Inspections

Section Four - Owner and Occupant Duties

Section Five - Residential Rental Registration

Section Six - Residential Rental License

Section Seven - Sale or Transfer of Residential Rental Units

Section Eight - Appeals of Revocation of Residential Rental Registration or Residential Rental License

Section Nine - Disruptive Conduct Board of Appeals Organization and Powers

Section Ten- Severability

Section Eleven- Fees\Penalties

3-11

SECTION ONE: Findings, in considering the adoption of this ordinance, the Borough makes the following findings:

1. There is a growing concern in the community with the general decline in the physical condition of residential rental units;
2. Borough records indicate there is a great incidence of problems with the maintenance and upkeep of residential properties which are not owner occupied as compared to those that are owner occupied;
3. Borough records indicate there are a great number of disturbances at residential rental units than all other properties combined; and
4. Borough records indicate that violations of the various codes are generally less severe at owner-occupied units as compared to residential rental units.

SECTION TWO: DEFINITIONS: the following definitions shall be used in the context of this Ordinance.

Building Official - means the official designated by the Borough to enforce building, zoning or similar laws and this Ordinance.

Codes - means any state or local code or ordinance adopted, enacted or in effect in and for the Borough of East Bangor including, but not limited to, the Building Officials and Code Administrators International, Inc. (BOCA) Basic Building Code, BOCA International Mechanical Code, National Electrical Code, BOCA Fire Protection Code, Property Rehabilitation and Maintenance Code, Zoning Ordinance, Solid Waste Ordinance, Residential Recycling Ordinance, and general nuisance ordinances.

Disruptive Conduct - means any form of conduct, action, incident, or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or cause damage to said premises such that a report is made to a Police Officer and/or Building Official complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident, or behavior constitutes a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Building Official or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

Disruptive Conduct Report - means a report of disruptive conduct on a form to be prescribed thereof, to be completed by a Police Officer or a Building Official, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Borough.

Hotel Unit - means any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living or sleeping only on a transient basis for a period of less than thirty (30) days.

Residential Rental License - means a document issued by the Borough of East Bangor to the owner, operator, responsible agent or manager of a residential rental unit upon correction of all applicable code violations granting permission to operate a residential rental unit in the Borough of East Bangor. Such license is required for lawful rental and occupancy of residential rental units under this Ordinance, unless a Building Official has not inspected the unit or violations of the applicable codes are being

corrected and the unit operates under a Residential Rental Registration, or the residential rental unit is exempt from the license provisions of this Ordinance.

Residential Rental Registration - means the document issued annually for a fee by the Borough of East Bangor to the owner, operator, responsible agent or manager of a residential rental unit evidencing the existence of said residential rental unit. This registration shall be required until the Building Official inspects the unit and issues a Residential Rental License. A Residential Rental Registration shall be required for lawful rental and occupancy of residential rental units under this Ordinance, unless a Building Official has inspected the residential unit and has issued a Residential Rental License or the residential rental unit is exempt from the registration provisions of this Ordinance. This registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way.

Residential Rental Unit - means a rooming unit or a dwelling unit let for rent, or any other-than-owner occupied residential unit. A residential rental unit shall not include a hotel unit. A residential rental unit includes dwelling units under lease-purchase agreements, or long term (greater than six (6) months) agreements of sale.

SECTION THREE: Inspections: A. the Building Official shall make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this Code. The Building Official, after reasonable notice, is authorized to enter any structure or premises at any reasonable time for the purpose of performing his duties under this Code. The owner, occupant or operator of every structure or premises or the person in charge thereof, shall give the public officer free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

B. If any owner, occupant or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhabits, interferes with, restricts or obstructs

entry and free access to every part of the structure or premises where inspection authorized by this Code is sought, the administrative authority shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct an inspection. For the purposes of this Section, a reasonable or probable cause to gain access and inspect shall include, without being limited to, the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the Borough; or
2. That the Building Official after investigation has knowledge, information or a reasonable belief that a violation of this Code or other codes and the ordinances of the Borough exists; or
3. That such entry is for the purpose of re-inspecting a previous notice of violations; or
4. That the Building Official has received a complaint concerning a violation on or within the premises;
5. That such entry is necessary to determine if the building. Structure, premises or dwelling units meet Code standards.

SECTION FOUR: Owner and Occupants Duties. A. Owner's Duties: It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all residential rental units in compliance with all applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such residential rental units.

It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any residential rental unit within the Borough of East Bangor without having a Residential Rental Registration or a Residential Rental License, as required by this Ordinance.

The owner, operator, responsible agent or manager shall include the amendment attached hereto as the Addendum to Residential Rental Agreement in each lease of a residential rental unit taking effect on or after January 1, 2006. Said amendment is hereby

considered to be a part of every lease of a residential rental unit in the Borough of East Bangor executed on or after January 1, 2006.

It shall be the responsibility of every owner, operator, responsible agent or manager to display the Residential Rental Registration or Residential Rental License in the residential rental unit. The Residential Rental Registration or Residential Rental License shall include the following information:

1. The name, mailing address and telephone number of the owner, responsible agent or manager;
2. The evenings on which garbage and recycling are to be placed curbside for collection;
3. The telephone number to call to register complaints regarding the physical condition of the residential rental unit;
4. The telephone number for emergency police, fire, and medical services;
5. The date of expiration of the Residential Rental Registration or Residential Rental License; and
6. A summary of the owner's and occupants duties under this Article.

It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the residential rental units under his/her control in compliance with the provisions of this ordinance, Borough codes and applicable State laws.

No Residential Rental Registration or Residential Rental License shall be issued to any residential rental unit owned or operated by a person residing outside the County of Northampton unless there is provided to the Borough of East Bangor the name, mailing address, and telephone number of a designated responsible agent residing or working within the County of Northampton, authorized to accept service of process on behalf of the legal owner of said residential rental unit. For the purpose of this section, a post office number is not acceptable for the responsible agent's address.

This designation shall not be valid unless signed by the owner/operator and the responsible agent designated to act on behalf of the absentee owner/operator. The absentee owner/operator shall be required to notify the Borough of East Bangor within thirty (30) days of any change in responsible agent.

Owners or operators residing outside the County of Northampton but within a ten mile (10) radius of the Borough of East Bangor and meeting the following criteria shall be exempt from naming a designated responsible agent;

No cases of three (3) disruptive conduct complaints within a twelve (12) month period regarding the same occupants of a particular residential rental unit, as documented by upheld Disruptive Conduct Reports;

All taxes and fees paid by December 31 of the preceding year.

The residential rental units must pass inspection at the first re - inspection, both interior and exterior of the property must be in compliance with all codes (there will be an allowance for exterior repairs for the time of the year);

The previous year's annual license fee was paid by March 31 of each year prior to 2006 and by April 15 for 2006 and for each year after 2006;

The owner, operator or manager must correct any code violations cited between the four (4) year full inspections within thirty (30) days.

B. Occupant Duties: The occupant(s) shall comply with all obligations imposed by this Ordinance and all applicable codes and ordinances of the Borough of East Bangor, as well as all State laws and regulations. Included among the Borough ordinances is the requirement that all occupants moving into a residential rental unit obtain a moving permit before they take occupancy.

The occupant(s) shall conduct themselves and require other persons, including but not limited to, guests on the premises and within their rental unit with their 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 people occupying the same.

The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the residential rental unit or engage in disruptive conduct, or other violations of this Ordinance, Borough codes or applicable State laws.

Police Officers or Building Official(s) shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon finding that the reported incident constitutes disruptive conduct as defined herein. The information

filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager within ten (10) working days of the occurrence of the alleged disruptive conduct.

The occupant or the owner, operator, responsible agent or manager shall have ten (10) working days from the date of the Disruptive Conduct Report to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Borough Secretary. An appeal of the third Disruptive Conduct report within a twelve (12) month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third Disruptive Conduct Report.

After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant documented by Disruptive Conduct Reports, the owner, operator, responsible agent or manager shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the Residential Rental Unit Registration or Residential Rental Unit License. The residential rental unit involved shall not have its Residential Rental Registration or Residential Rental License reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Magistrate has ruled in the occupant's favor, the Magistrate has ruled in the owner's favor but has not ordered the eviction of the occupant(s) or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction shall not re-occupy any residential rental unit on the same premises involved for a period of at least one (1) year from the date of eviction. This paragraph is not intended to limit or inhibit the owner, operator, responsible agent or manager's right to initiate eviction actions prior to the third disruptive conduct incident.

The content of the Disruptive Conduct Report shall count against all occupants of the residential rental unit. More than one (1) Disruptive Conduct Report filed against the occupants of a residential rental unit in a twenty-four (24) hour period shall count as a

single Disruptive Conduct Report for the purpose of the preceding paragraph. The Borough of East Bangor shall maintain a list of the names of all occupants evicted as a result of the preceding paragraph. The names shall remain on the list for a period of five (5) years.

SECTION FIVE: Residential Rental Registration

A. Registration Required for Rental Units: By March 31, 2006 the owner, operator, responsible agent or manager of each residential rental unit shall apply for a Residential Rental Registration with the Borough of East Bangor. By March 31 of each calendar year from 2006 through 2009, inclusive and by April 15th of 2010 and all subsequent years, the owner, operator, responsible agent or manager of each residential rental unit shall continue to apply for a Residential Rental Registration until the unit is licensed, at which time he\she shall be issued a Residential Rental License. For each calendar year thereafter, the owner, operator, responsible agent or manager of the residential rental unit shall continue to apply for a Residential Rental License.

B. Issuance of Residential Rental Registration: A Residential Rental Registration shall be issued if the owner or operator of the residential rental unit provides the name of a responsible agent (if applicable), pays the registration fee, submits a complete and accurate occupant listing by residential rental unit by April 15 of each year and is current on water and sewer fees for the residential rental unit. This registration does not warrant the proper zoning, habitable safety or conditions of the residential rental unit in any way.

C. Revocation of Residential Rental Registration: A Residential Rental Registration shall be revoked if the owner or operator of a residential rental unit does not provide the name of a responsible agent (if applicable), does not pay the registration fee, is not current on water and sewer fees for the residential rental unit, does not submit a complete and accurate occupant listing by residential rental unit by April 15 of each year, does not correct a code violation found in response to a complaint within the time frame

cited by the Building Official, and/or has not complied with the disorderly conduct provision of this ordinance, as described above.

D. Reinstatement of Residential Rental Registration: A Residential Rental Registration shall be reinstated if the owner operator of a residential rental unit corrects the reason for the revocation of the Residential Rental Registration and had paid the Residential Rental Registration reinstatement fee.

SECTION SIX: Residential Rental License

A. Residential Rental License Required for Residential Rental Units: A Residential Rental License shall be required for each residential rental unit unless the residential rental unit has not been inspected or has outstanding violations of the applicable codes and operates under a Residential Rental Registration, or is exempt as defined above.

Prior to initial occupancy of newly constructed residential rental units, newly created rental units, or substantially rehabilitated residential rental units (as documented by a certificate of occupancy), the owner, operator, responsible agent or manager of each residential rental unit shall register with and make written application to the Borough of East Bangor for a Residential Rental License as herein provided. Such units will be exempt from further inspection, unless a complaint of violation has occurred or a Building Official has probable cause to believe that a violation has occurred, for a period of at least four (4) years and will be inspected again when the area in which they are located is next scheduled for inspection after the four (4) years exemption has expired.

For licensing purposes, the Borough of East Bangor shall fully inspect each residential rental unit no more frequently than once within a four (4) year period unless a complaint of violation has occurred or a Building Official has probable cause to believe that a violation is occurring. Unless sooner revoked for cause, the Residential Rental License shall remain in effect until such time as the next regularly scheduled inspection occurs, assuming the annual license fee is paid.

Initial inspections will occur in accordance with a phased-in systemic inspection program to be prepared and made available upon request by the Borough of East Bangor.

A minimum sixty (60) days written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the Residential Rental Registration or the Residential Rental License.

B. Compliance: If a Building Official, upon completion of the inspection, finds that the applicable codes have not been met, a Notice of Violation shall be issued.

1. Ten (10) Day Notice of Violation: If the Building Official finds one (1) or more of the following violations:

- Multiple Dwelling Unit Fire Exits
- Separation of Common Walls and Floors
- Automatic Fire Alarms Systems
- Multiple Dwelling Unit Fire Protection
- Heating,
- Hot and Cold Water Supplies
- Water Closet and Basin
- Plumbing Connections
- Electrical Hazards
- Structural Hazards
- Overcrowding
- Serious Roof Leak

a. A Ten (10) day Notice Violation shall be issued; and

b. The residential rental unit shall be determined Unfit for Human

Habitation and ordered vacated and shall remain vacant until the violation is abated. If after ten (10) days from the receipt of the Ten (10) Day Notice of Violation, a re-inspection reveals that the violations are not corrected and arrangements satisfactory to the Building Official have not been made, the Residential Rental Registration or Residential Rental License for the residential rental unit shall be revoked, and if the residential rental unit is vacant, it shall remain vacant.

2. Thirty (30) Day Notice of Violation: If the Building Official finds violations, other than those listed in Section 7, B.1, a Thirty (30) Day Notice of Violation shall be issued.

If after (30) days from the date of receipt of the Thirty (30) Day Notice of Violation, the first re - inspection reveals that all violations have not been corrected, a Thirty (30) Day Legal Action Warning shall be issued.

If after thirty (30) days from the date of receipt of the Thirty (30) Day Legal Action Warning, the second re- inspection reveals all violations have not been corrected, the Residential Rental Registration or the Residential Rental License for the residential rental unit shall be revoked, and if the residential rental unit is vacant, it shall remain vacant.

A fee will be charged for the initial inspection and for each re-inspection after the second re-inspection. The Borough of East Bangor shall maintain a list of all residential rental units and their ownership that have been the subject of prosecution in Magistrates Court during the preceding four (4) years.

C. Issuance of Residential Rental License: A Residential Rental License shall be issued if the residential rental unit meets the following conditions:

1. The Building Official finds that the residential rental unit is in compliance with the applicable codes;
2. The owner, operator, or manager provides the name of a responsible agent (if applicable).
3. The owner, operator, responsible agent or manager pays the license inspection and re-inspection (if applicable) fee(s);
4. The owner, operator, responsible agent or manager is current on water and sewer fees for the residential rental unit.
5. The uses of the property are in compliance with the Zoning Ordinance of the Borough of East Bangor.
6. The owner, operator, responsible agent or manager maintains records demonstrating that all occupants have obtained a moving permit from the Borough of East Bangor, whenever appropriate; and

7. The owner, operator, responsible agent or manager has submitted a complete and accurate occupant listing by residential rental unit.

D. Revocation of Residential Rental License: A Residential Rental License shall be revoked if the owner or operator of a residential rental unit does not provide the name of a responsible agent (if applicable), does not correct code violations found in response to a complaint within the time frame cited by the Building Official, does not pay the annual license fee, is not current with water and sewer fees for the residential rental unit, changes the uses of the property so as to no longer be in compliance with the Zoning Ordinance of the Borough of East Bangor , does not submit a complete and accurate occupant listing by residential rental unit by April 15 of each year, does not maintain records demonstrating that all occupants have obtained a moving permit from the Borough of East Bangor, whenever appropriate and/or has not complied with the disruptive conduct provision of this ordinance, as described above. If the Residential Rental License is revoked and if the residential rental unit is vacant, it shall remain vacant.

E. Reinstatement of Residential Rental License: A Residential Rental License shall be reinstated if the owner or operator of a residential rental unit corrects the reasons for the revocation of the Residential Rental License and has paid the license reinstatement fee.

SECTION SEVEN: Sale or Transfer of Residential Rental Units. A Residential Rental Registration issued hereunder is not automatically transferable to any person or entity who has acquired ownership of a residential rental unit. A Residential Rental Registration shall be revoked upon failure to apply for its transfer within sixty (60) days of the date of sale or transfer of ownership of the residential rental unit.

A Residential Rental License shall not be transferred. In the case of licensed residential rental units that are sold or transferred; the new owner shall seek a Residential Rental License for each residential rental unit and have each residential rental unit inspection. Failure to seek a Residential Rental License for each residential rental unit

within sixth (60) days of sale or transfer of ownership shall result in the revocation of the Residential Rental License.

SECTION EIGHT: Appeals of Revocation of Residential Rental Registration or Residential Rental License.

Property Conditions Appeals: Any person aggrieved by any decision of a Building Official may appeal to the Property Rehabilitation and Maintenance Code Board of Appeals.

Disruptive Conduct Appeals: Any person aggrieved by any decision of a Police Officer or Building Official in regards to a Disruptive Conduct Report or the revocation of a Residential Rental Registration or Residential Rental License may appeal to the Disruptive Conduct Board of Appeals. Such appeals must be filed, in writing, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.

SECTION NINE: Severability. Property Conditions Appeals: The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION TEN: Disruptive Conduct Board of Appeals Organization and Powers.

A. Any person aggrieved by any decision of a Police Officer or Building Official in regard to a Disruptive Conduct Report or the revocation of a Residential Rental Registration or Residential Rental License based upon the issuance of Disruptive Conduct reports, may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.

B. The Disruptive Conduct Board of Appeals shall be a body of five (5) members consisting of: a Council person who shall serve as Chairperson, the Chief of Police or his/her designee; an owner, operator, responsible agent or manager of a residential rental unit(s) in the Borough of East Bangor; an occupant of a residential rental unit residing in the Borough of Bangor; and a member of a community group recognized by the Borough Council of the Borough of East Bangor.

There shall be three (3) alternate members; an owner, operator, responsible agent or manager, an occupant of a residential rental unit residing in the Borough of East Bangor and a member of a community group recognized by the Borough Council.

All members or alternates of the board shall be appointed by the Borough Council.

A member or alternate member shall serve a term of not more than three (3) years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of one (1), two (2) and three (3) years.

Designees and alternate members may be requested to attend meetings in the absence of a regular member and shall have all the powers of a regular member at such meetings.

Four (4) members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. The Disruptive Conduct Board of Appeals shall have the following powers;

1. To adopt and administer the rules of procedure regarding its organization, officers, times and places of the meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction;

2. To hear and decide appeals where is it alleged there is error in any order, requirement, decision or determination made by the Police Officer or Building Official in the enforcement of the provisions of this Ordinance.

3. To modify any notice of violation or order and to authorize a variance from the terms of this Ordinance when because of special circumstance, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Ordinance;

4. To grant a reasonable extension of time for the compliance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

5. In exercising the above mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within ten (10) working days after the appeal hearing.

6. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and to that end, shall have all the powers of the Police officer or Building Official; provided, however, that the Disruptive Conduct Boards of Appeals, in its determination, shall not ignore the clear provisions and intent of this Ordinance.

D. Any persons, including the Police Officer or Building Official for the Borough, aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Northampton County. Such appeal shall be made by a duly verified petition which shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or part. Such petition shall be presented to the Court of Common Pleas and a notice thereof must be given to the appellee within thirty (30) days after the filing of the decision in the office of the Board.

E. If this appeal is of a third Disruptive Conduct Report and the decision of the Police Officer or Building Official has been affirmed, and no appeal is pending, within ten (10) working days after the expiration of the time for compliances as required by the decision of the Disruptive Conduct Board of Appeals or Court of Common Pleas, the Building Official shall re-inspect to

determine compliances as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

F. If, when so required by a third Disruptive Conduct Report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, the Building Official shall institute revocation of the Residential Rental Registration or the Residential Rental License.

F. The Disruptive Conduct Report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however that the Police Officer or Building Official may prescribe reasonable regulation regarding the time and manner of inspection.

SECTION ELEVEN: Fees\Penalties Section

A. FEES

1. Registration

The fee for a Residential Rental Registration shall be Twenty-five (\$25.00) Dollars per residential rental unit per year due and payable on or before April 15th of every year until a Residential Rental License is obtained.

For all payments received after April 15th through April 30th of any year, a late fee will be assessed, such that the total fee shall be Fifty (\$50) Dollars per residential rental unit.

For all payments received After April 30th of any year, a late fee shall be assessed, such that the total fee shall be One Hundred (\$100) Dollars per residential rental unit.

2. Licensure

The fee for a Residential Rental License shall be Twenty-Five (\$25) Dollars per residential unit per year due and payable on or before April 15th of each year.

For all payments received after April 15th through April 30th of any year, a late fee shall be assessed, such that the total fee shall be Fifty (\$50) Dollars per residential rental unit.

For all payments received after April 30th of any year, a late fee shall be assessed, such that the total fee shall be One Hundred (\$100) Dollars per residential rental unit.

The Residential Rental License Fee shall be reduced to Fifteen (\$15) Dollars per year for each residential rental unit meeting the following criteria:

No disruptive conduct complaints filed, and upheld, during the previous calendar year;

All taxes and fees paid by December 31st of the preceding year.

Must pass inspection after the first re-inspection, both interior and exterior of the property must be in compliance with all codes (there will be an allowance for exterior repairs for the time of a year.

The previous year's annual license fee was paid by April 15th of that year.

All code violations arising between the four (4) year full inspections corrected within thirty (30) days Notice of Violation Date;

Complete and update responsible agent information on file, if property is owned by someone residing outside Northampton County and not meeting the exemption criteria;

Maintained records demonstrating that all occupants have obtained a moving permit from the Borough of Bangor, whenever appropriate; and

Submitted a complete and accurate occupant listing by residential rental unit.

3. Re-Inspections

The fee for the third re-inspection and all subsequent re-inspections per Residential rental unit shall be Fifty-Five (\$55) Dollars per re-inspection.

4. Reinstatement

The fee to reinstate a revoked Residential Rental Registration or a Residential Rental License shall be Twenty-Five (\$25) Dollars per Residential Rental Unit.

5. Transfer

The fee to transfer a Residential Rental Registration or Residential Rental License shall be Twenty-Five (\$25) Dollars if paid within sixty (60) days of sale or transfer of title and One Hundred (\$100) Dollars if paid after sixty (60) days of sale or transfer of title.

6. All fees may be amended from time to time by Resolution of the Borough Council of the Borough of East Bangor.

B. PENALTIES

1. Revocation of Residential Rental Registration or Residential Rental License.

A fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violations exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations.

2. Failure to Register, or Failure to Seek a Residential Rental License (for newly constructed, newly created or substantially rehabilitated residential rental units);

The owner, responsible agent or manager shall be sent a Thirty (30) Day Notice of Violation, warning them of their failure to comply with the terms of this Ordinance. If they do not comply at the end of the thirty (30) days, there shall be a fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

3. Whoever violates any provision of this Ordinance or any Section of this Ordinance shall upon first offense be fined not more than One Thousand (\$1,000) Dollars or imprisoned not more than ninety (90) days, or both.

4. If, after any conviction for violation of this Ordinance or any lawful order issued pursuant thereof, such person continues violation, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the

Police or Building Official to issue a new notice of violation or order, and until such violation has been corrected.

5. In addition to prosecution of persons violating this Ordinance, the Police or Building Official or any duly authorized agent of the Borough may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Ordinance.

SECTION TWELVE: Repeal of Ordinance No. 739

Ordinance No. 739 of the Borough of East Bangor adopted April 6, 1987 requiring Landlords to file reports listing all rental units, tenants or occupants thereof, and any subsequent change therein, and prescribing penalties and violations is hereby repealed in its entirety.

SECTION THIRTEEN: Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions or the application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared Severable.

SECTION FOURTEEN: Effective Date.

This Ordinance shall become effective September 6, 2011.

ORDAINED and ADOPTED by the Borough Council of the Borough of East Bangor this 6th day of September, 2011.

BOROUGH OF EAST BANGOR

By: Stephen F. Toth
Stephen F. Toth, President

#3-2011

ATTEST:

By:

Bonnie L. Due, Sec.
Bonnie L. Due, Secretary

APPROVED AND CERTIFIED this 6th day September, 2011.

By:

Gaylord Weidlick
Gaylord Weidlick, Mayor

ATTEST:

By:

Bonnie L. Due, Sec.
Bonnie L. Due, Secretary

**ADDENDUM TO RESIDENTIAL
RENTAL AGREEMENT**

This Addendum to Residential Rental Agreement is made this ____ day of _____, and is incorporated into and shall be deemed to amend and supplement the Residential Rental Agreement made by the undersigned tenant and Landlord, their heirs, successors and assigns, dated _____. The Residential Rental Agreement and this Addendum pertain to the premises described in said agreement and located at _____.

This Addendum is required by Ordinance No. 2011-3.

**ADDITIONAL COVENANTS
AND OBLIGATIONS**

In addition to the covenant and obligations set forth in the aforementioned Residential Rental Agreement, Tenant and Landlord hereby covenant and agree as follows:

A. Landlord's Covenant and Obligations:

1. Landlord shall keep and maintain the leased premises in compliance with all applicable Codes and Ordinances of the Borough of East Bangor and all applicable state laws and keep the leased premises in good and safe condition.

#3-2011

2. The manager for the leased premises shall be as follows:

Name

Address

Telephone Number

3. The landlord shall be responsible for regularly performing routine maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific task which the parties hereby agree shall be delegated to the Tenant and which are identified as follows:

4. The landlord shall promptly respond to reasonable complaints and inquires from the Tenant.

5. The landlord shall comply with all applicable provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.

B. Tenant's Covenants and Obligations:

1. Tenant shall comply with all applicable Codes and Ordinances of the Borough of East Bangor and all applicable state laws.

2. Tenant agrees that the maximum number of people permitted within regulated rental unit at any time shall be _____ and the maximum number of persons permitted within the common areas of the leased premises at any time shall be _____.

3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner and shall separate and place for collection all

recyclable materials in compliance with the Borough of East Bangor's Solid Waste and Recycling Ordinances.

4. Tenants shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.

5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.

6. Tenant shall not cause, nor permit or tolerate to be caused, damage to the leased premises, except for ordinary wear or tear.

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in "disruptive conduct" which is defined as "any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or cause damage to said premises, such that a report is made to a Police Officer and/or a Building Official complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however that no disruptive conduct shall be deemed to have occurred unless a Building Official or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences in writing."

8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Certification of Residential Rental Units Ordinance of the Borough of East Bangor and that the issuance by a Public Officer or Building Official of the Borough of East Bangor of three (3) Disruptive Conduct Reports in any twelve (12) month period relating to the leased premises shall constitute a breach of the rental agreement of which

this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies.

- a. termination of the rental agreement without prior notice; and
- b. bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs; and
- c. bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs; and
- d. bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals of the day and year first above written.

WITNESS

WITNESS

WITNESS

WITNESS

WITNESS

WITNESS

TENANT

TENANT

TENANT

TENANT

TENANT

TENANT