

ORDINANCE NO. 403

**AN ORDINANCE PROVIDING FOR THE DESIGNATION
OF A PROPERTY MANAGER**

WHEREAS, exercising their powers and authorities under the law, the Borough Council of Duncannon has adopted various ordinances regulating property maintenance in the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of Duncannon Borough:

Section 1. Purpose

The purpose of this Ordinance is to require the designation of a property manager for certain property in the Borough.

Section 2. Authority

This Ordinance is enacted under authority of the Borough Code, 8 Pa.C.S.A. §§ 1202(4), (5), (15) and (74), and 1203.

Section 3. Property Subject to this Ordinance

This Ordinance shall apply to any property improved with a structure:

- a. intended for residential occupancy and not owner-occupied; and/or
- b. intended for non-residential use and occupancy, where such use is not owned, leased, operated, managed, performed or conducted by the owner of the property.

Section 4. Property Manager Required

- a. The owner of any property in the Borough, that is the subject of this Ordinance, shall designate a property manager for the property. Such property manager shall reside no more than 30 miles from the property. An owner who resides no more than 30 miles from the property may designate himself/herself/itself as the property manager.
- b. In designating the property manager, the owner shall, at a minimum, authorize the manager to perform and report to the owner the results of inspection of the property relating to its general upkeep, maintenance and repair and compliance with the Borough's [Doors and Windows Ordinance;] Grass, Weeds and Other Vegetation Ordinance; and Solid Waste Ordinance. The owner shall, at a minimum, require that the property manager report to the owner within 24 hours any observed condition of the property requiring maintenance or repair or not in compliance with the above-cited ordinances; any complaint received relating to the property; or any citation issued relating to the property.
- c. The designation of the property manager shall not relieve the owner of the property of responsibility for maintaining the property in good condition and repair and for compliance with the Ordinances of the Borough.

Section 5. Registration of Property Manager

- a. The owner of any property in the Borough that is the subject of this Ordinance shall annually register the property manager with the Borough using the Borough's then-current registration form. Such registration form is to substantially conform with **ATTACHMENT A** to this Ordinance, and to include, but not be limited to, the property address; the name, address,

telephone number and email address of the Owner; and the name, address, twenty-four hour contact telephone number and email address of the property manager.

- b. In the event of a change as to the identity of the registered property manager (including an owner residing in the Borough and registered as a property manager) or the property manager's address, twenty-four hour contact telephone number, or email address, the Owner must submit an amended registration to the Borough within five business days of the change.

Section 6. Posting of Property

The owner of any property in the Borough that is the subject of this Ordinance shall post the property with the name and address of the owner and the name, address, twenty-four hour contact telephone number and email address of the registered property manager. The posting shall be placed at a prominent place at the main entrance to the building(s), intended for human occupancy, located on the property and at all times the posting shall be legible and protected from the weather.

Section 7. Registration Fee

The Borough shall by resolution establish an administrative fee for the administration of this Ordinance, to be paid and collected at the time of submission of the registration form.

Section 8. Emergency Services Access

The owner of a property containing four or more residential units shall provide for rapid access to the property by emergency services by means of a KNOX-BOX or comparable rapid access system accessible from ground level.

Section 9. Fines and Penalties, Generally

Any a person who violates this Ordinance commits a summary offense and shall, upon conviction by a magisterial district judge, be sentenced to pay a fine of up to \$250.00 for each offense and the costs of prosecution, and in default of payment of such fine and the costs of prosecution shall be imprisoned for not more than ten days for a first offense and not more than 30 days for a subsequent offense. Each day of violation shall be deemed to be a separate offense.

Section 10. Repealer.

All ordinances in effect as of the time of enactment of this Ordinance, to the extent that the same are inconsistent with the terms of this Ordinance, are repealed.

Section 11. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 12. Effective Date.

This Ordinance shall be in force and effect as soon as permitted by operation of Section 3301.3(b) of the Borough Code.

ENACTED AND ORDAINED this ____ day of _____, 2015.

ATTEST:

Kathryn Bauer, Secretary

Duane Hammaker
President of Council

(SEAL)

DULY EXAMINED AND APPROVED this ____ day of _____, 2015.

Mayor

BOROUGH OF DUNCANNON
PROPERTY MANAGER REGISTRATION
ORDINANCE NO. _____

Property Address: _____

Property Owner:

Name: _____

Address: _____

If the Owner's mailing address is a post office box, provide Owner's physical address:

Telephone No.: _____ Email: _____

Property Manager:

Name: _____

Address: _____

Telephone No.: _____ Email: _____

Date: _____ Owner signature: _____

FOR OFFICE USE ONLY	
Date registration received: _____	Date registration payment received: ____ Cash ____ Check No. _____ ____ Credit Card _____