ORDINANCE NO. 2023 - 608

AN ORDINANCE OF THE BOROUGH OF LEHIGHTON AMENDING CHAPTER 171 OF THE LEHIGHTON BOROUGH CODE AND ESTABLISHING A REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL PROPERTIES, REQUIRING ALL OWNERS OF RESIDENTAL RENTAL PROPERTIES TO DESIGNATE A MANAGER AND PRESCRIBING DUTIES OF OWNERS, PROPERTY MANAGERS AND OCCUPANTS.

BE IT ENACTED by the Borough Council of Lehighton Borough as follows.

A. **Amendment of Chapter 171**

Section 171-1 of the Lehighton Borough Code shall hereinafter read as follows:

A certain document, three adopted, copies of which are on file in the office of the Borough Secretary of the Borough of Lehighton, being marked and designated as the International Property Maintenance Code, 2018 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Lehighton, in the state of Pennsylvania, for regulating and governing conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Office of the Borough Secretary of the Borough of Lehighton are hereby referred to, adopted and made a part hereof, as if fully set out in the article, with the additions, insertions, deletions and changes, if any, prescribed in Section 171-2 of the Article.

B. **A new Ordinance is hereby created as follows:**

1. This Chapter shall be known as the "Tenant Registration Ordinance."

2. **Purpose and Intent.** This Chapter is adopted to protect the health, safety, and welfare of Borough residents and to prevent the loss of life, limb, and property from failure of rental dwelling units to comply with applicable building and safety codes.

3. **Definitions.** For purposes of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given herein.

Building Inspector. The building inspector shall include the Building Code Official and the any Assistant or Designee thereof.

Disruptive conduct. A form of conduct, action, incident, or behavior perpetrated, caused, or permitted by an occupant or guest of a rental unit that is:

(1) In violation of ordinances of the Borough of Lehighton and that is so loud, untimely as to time of day, offensive, and/or nuisance causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or cause damage to property that is owned by others.

(2) Involves music or noise that is disruptive to persons occupying a different dwelling unit.

(3) Involves music or noise that is audible from a street, sidewalk or dwelling from a minimum distance of 50 feet away from the premises where the sound is originating.

(4) Is the subject of a criminal citation for disorderly conduct.

(5) Is the subject of criminal charges under Pennsylvania Crimes Code, 18 Pa.C.S.A§ 101 et seq., or the Pennsylvania Liquor Code, 47 P.S. §1101 et seq.

In order for such disruptive conduct to constitute an offense under this Part, a written report must be issued by a police officer, or a Building Inspector and notice must be sent to an occupant and the owner or manager.

Disruptive conduct report - a written report of "disruptive conduct" that is completed by a police officer or Building Inspector who investigated the matter. This includes a criminal citation or criminal complaint.

Dwelling , Multifamily, Including Garden Apartments. A building or portion thereof containing or designed to contain two or more separate dwelling units with or without common access facilities.

Dwelling Unit. A building or structure, or any portion of either of them, which is wholly or partially used or intended to be used as living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking or sanitation. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

Family. One or more persons related by blood, marriage, adoption, or other decree of legal custody living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Landlord. A person who receives rent and leases a dwelling unit or a rooming unit in a boarding, lodging, or tourist home to a tenant for a period of time.

Manager. A person who has charge of a dwelling unit or rooming unit in a boarding, lodging, or tourist home.

Owner. Every person who has a property right in a multifamily dwelling, and every person who owns, has, keeps, or maintains a multifamily dwelling or rooming house, including a boarding, lodging, or tourist home.

Person. An individual, proprietorship, partnership, corporation, association or trust or other legal entity.

Rent or Lease (or variations thereof). The act of permitting the use or occupancy of any dwelling unit by a person or persons other than the owner, whether or not the same is done in consideration of any monetary or other compensation. Use or occupancy by the family of the owner, together with the owner, shall not be deemed to constitute a rental or lease of a dwelling unit.

Rental Unit A dwelling unit or rooming unit which is rented or leased for occupancy and is occupied by one or more tenants.

Rooming House, Including a Boarding, Lodging or Tourist Home and a Single-Family House. A building other than a multifamily dwelling, containing not more than one dwelling unit occupied by a family and providing for compensation or other consideration, rooming units for lodging in addition to the owner.

Rooming Unit. A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other room, dwelling unit, or rooming unit in the same structure. The rooming unit shall contain living and sleeping facilities, but no cooking or eating facilities, and shall be occupied by no more than one family.

Tenant. A person who rents or leases a dwelling unit or a person who occupies or inhabits a dwelling unit, located in the Borough for living, sleeping, cooking, eating or sanitation purposes.

Townhouse or Row House. Dwelling units attached to each other by party or common walls, with each unit having individual access and rear common or private garden orientation.

4. Information to be provided by owners or landlords.

A. Every owner, landlord, manager or agent for an owner who rents or offers for occupancy any property or portion thereof in the Borough to any tenant or occupant for a period of time in excess of 30 days shall supply the following information to the Borough Secretary.

(1) The dwelling unit or rooming unit number and/or street address.

(2) The name or names and ages of all tenants and occupants to occupy such property.

(3) The mailing address of the dwelling unit or rooming unit.

(4) The period of time for which the rental is made, and the actual move-in date and/or move-out date.

B. The above information shall be provided to the Borough Secretary within 10 days of the renting, leasing, subleasing or occupancy of any property in the Borough for a period of time in excess of 30 days.

C. The owner of a dwelling unit must update the registration information on record with the Borough Secretary within ten (10) days of any changes to the information set forth above.

5. Rental operating license required.

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

6. Application for license; agreement to comply; exemption.

A. Every owner, landlord, manager or agent for an owner who rents or leases any dwelling unit in any multifamily dwelling or any rooming unit in any rooming house, including a boarding, lodging or tourist home, or in any single-family home in the Borough of Lehighton to any tenant for a period of time in excess of 30 days shall apply for a rental operating license and shall agree to comply with all provisions of the then applicable building and construction codes adopted by the Borough Council and enforced by the Building Inspector. The application form shall be accompanied by a check or money order payable to the Borough of Lehighton in the amount of the rental operating license.

B. Every owner, landlord, manager or agent for an owner who rents or leases any dwelling unit in any multifamily dwelling or any rooming unit in any rooming house, including a boarding, lodging or tourist or tourist home, or in any single-family home in the Borough of Lehighton to the spouse, son, daughter, mother, father, sister, brother, grandmother, grandfather or grandchild of the owner of said dwelling unit shall be exempt from the requirements of § 5 and § 7 of this chapter and the payment of any fees associated with this chapter. However, any owner, landlord, manager or agent who rents or leases any dwelling unit in any multifamily dwelling or any rooming unit in any rooming house, including a boarding, lodging or tourist home, or in any single-family home in the Borough of Lehighton who is exempt from the requirements of § 7 and the fees related to this chapter shall be responsible to complete the application for a license and thereon claim the nature and application of said exemption.

7. Inspections; compliance with other codes; notice of violation.

Upon application for a rental operating license under this chapter, the rental unit shall be inspected by the Building Inspector for compliance with the provisions of the Building Codes and/or constituent codes (including but not limited to the International Property Maintenance Code) then enacted in the Borough. The Borough inspector shall note all violations and shall leave with the owner, landlord or manager for an owner a copy of any notice of violation. The building inspector shall forward any notice of violation to the Borough Secretary for the Borough's file.

8. Correction of violations prior to issuance of license; term of license.

Prior to the issuance of a rental operating license, all violations noted on a notice of violation shall be corrected, as required. Every rental operating license shall be issued for a period of one year, unless sooner revoked.

9. Regulations.

A. Inspection mandatory. Any person who applies as an owner or as an agent for an owner for a rental operating license in the Borough shall permit the building inspector to inspect the dwelling unit or rooming unit for the purpose of ensuring compliance with the law.

B. Refusal to permit lawful inspection. A person applying for a rental operating license in the Borough violates this chapter if, after application, such person refuses to permit such lawful inspection of the dwelling unit or rooming unit unless such person withdraws such application in writing.

C. Expiration of licenses. Each rental operating license shall expire one year after the date of issuance. Upon expiration of the rental operating license for a licensed premises, the owner of the premises shall be required to obtain a renewal of the permit by arranging for a new inspection of the premises and by paying the rental permit fee then in place.

D. The Building inspector is authorized to make inspections of the condition of the dwelling unit between 9:00 a.m. and 4:00 p.m., or at such other times as may be necessary in an emergency or as mutually agreed by the tenant and the building inspector.

10. Appointment of Manager.

Every owner/landlord residing further than 25 miles from the boundaries of the Borough of Lehighton must designate a Property Manager for the care of the rental property. The Property Manager must reside or have its' office within 25 miles of the boundaries of the Borough of Lehighton. The Manager shall be the designated recipient of all correspondence and violation notices from the Borough. The Manager shall be the direct point of contact for disruptive conduct, emergencies and all other occurrences that may be of a time sensitive nature. The Manager shall be the agent of the property and by his or her or its appointment shall be authorized and impowered to accept service of all correspondence, violation notices, citations, court complaints and pleadings on behalf of the owner/landlord. The appointment of the Manager shall remain in effect and shall be considered as legally binding on both the owner and agent until revoked and Notice of Revocation is provided by the owner/landlord to the Borough.

11. License fees.

A. Every owner, landlord or manager who rents or leases any rental unit, except those exempted from the requirements of this section-by-Section 6B shall be responsible for paying the fees associated with each dwelling unit let or intended to be let:

(1) A fee to be set as per § 11B below shall be paid to the Borough for each building housing a dwelling unit or multiple dwelling units at the same time, the application for a rental operating license is submitted to the Township.

(2) Upon receipt of the rental operating license application, the rental units shall be inspected by the Building Inspector in conformity with § 7, and the owner, landlord, or manager shall be responsible for payment of the fee associated with the Building Inspector's inspection of the rental unit and no license shall be issued until said fee is paid by the owner/landlord or manager of the rental unit in question.

(3) If any rental unit upon being inspected is found to contain conditions which must be abated prior to the issuance of a rental operating license and must be reinspected in order to determine that the unsafe condition has been abated, the owner, landlord, manager or agent for an owner shall be responsible to pay the fee associated with the Building Inspector's reinspection of the dwelling unit.

B. All fees associated with the Building Inspector's inspection of rental units shall be set from time to time, but no more than annually, by resolution of the Borough Council.

12. Evictions.

In the event that an occupant(s) of a rental unit is involved in a third disruptive conduct violation within any 1 year period during which a residential rental license was required or the occupant(s) is/are in violation of any Federal, State, or local law, the Building Inspector shall issue a written statement to the landlord or his manager to order him/her to evict the occupant(s) of the regulated rental unit. If this disruptive conduct was caused by only one occupant, then the Building Inspector shall limit the eviction order to that person. Occupant(s) shall be responsible to prevent their guests from engaging in disruptive conduct on the premises. Once an eviction is ordered, those occupant(s) shall not be permitted to occupy any area of the same lot, parcel or building for a minimum period of 2 years. In addition, once an eviction is ordered, those occupant(s) shall not be permitted to occupy any dwelling unit or boarding/rooming house unit that is owned by the same person or entity within the Borough of Lehighton for a minimum period of 2 years. The owner shall begin eviction proceedings until completion, without interruption, unless the occupant(s) vacate the premises.

A.) Failure of the owner to carry out an order to evict occupant(s) shall result in the suspension of the residential rental license and shall be a violation of this Ordinance until such time as the owner commences the eviction process. A second or subsequent failure to carry out an order to evict shall result in a revocation of the residential rental license.

B.) This Part shall not limit the ability of an owner to evict tenants in compliance with State law for reasons other than violations of this Part.

C.) A requirement to evict occupant(s) shall not apply if a successful appeal is made to the Borough Council, or if the magisterial district judge rules in favor of the occupant(s) during the eviction proceedings, or where a court appeal or other legal action has been filed that would lawfully prevent eviction.

D) The Building Inspector shall maintain a list of occupant(s) who were ordered to be evicted and the affected addresses. Such a list shall be maintained for a minimum period of 3 years and shall be available for public review in accordance with applicable laws.

13. Violations and penalties; additional remedies.

Any person who violates any of the provisions of this chapter shall, upon conviction in a summary proceeding, be fined not more than $1,000.00 and, in default of the payment of the fine and costs, shall be committed to the Carbon County Prison for a period not to exceed 30 days. Nothing contained herein shall be deemed to preclude the Borough from seeking other relief or from availing itself of any remedy that may be at law or in equity to prevent continuing violations of the terms of this chapter. Each day that a violation occurs or exists under this chapter shall be deemed a separate offense.

14. Appeals.

A. Any person aggrieved by the action of the Building Inspector pursuant to this Chapter shall have the right to appeal said action within 10 days to the Borough Council of Lehighton Borough, which shall hear and determine said appeal at its next regularly scheduled meeting.

B. No appeal proceedings under this section shall operate as a stay of supersedeas of the enforcement of this chapter.

15. Additional relief; nuisances.

No provision of this chapter shall prevent the Borough from instituting proceedings and seeking relief in any court of the Commonwealth if the Borough shall deem such action necessary to abate any violation of this Chapter which constitutes a nuisance or safety/health hazard.

16. Repealer.

A. All ordinances and resolutions or parts of ordinances and resolutions conflicting herewith are hereby repealed.

B. Ordinance 2022-662 regulating Rooming and Boarding Houses it is specifically not repealed by this Ordinance.

17. **When Effective.**

This Ordinance becomes effective five (5) days after enactment.

BOROUGH OF LEHIGHTON

Grant A Hunsicker

GRANT HUNSICKER, President

ATTEST:

Brenda L Kreitz

BRENDA KREITZ, Secretary

Examined and approved this 11th day of July 2023.

Clark E Ritter

CLARK RITTER Mayor