

**NORTH SEWICKLEY TOWNSHIP
BEAVER COUNTY**

ORDINANCE NO. 12132016

AN ORDINANCE OF NORTH SEWICKLEY TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA, REGULATING RESIDENTIAL RENTAL PROPERTY IN THE TOWNSHIP; ESTABLISHING REGISTRATION AND LICENSING REQUIREMENTS; AND, DEFINING MAINTENANCE STANDARDS.

WHEREAS, there is a growing concern in the Township of the failure of some landowners to properly maintain residential rental property;

WHEREAS, Township records demonstrate there is a greater incidence of problems with respect to the maintenance and condition of residential rental properties; and,

WHEREAS, the North Sewickley Township Board of Supervisors finds it necessary to adopt regulations and requirements for the registration, licensing and maintenance of residential rental property located in North Sewickley Township.

THEREFORE, BE IT ORDAINED AND ENACTED, that the North Sewickley Township Board of Supervisors does hereby adopt this ordinance for the regulation of residential rental property.

SECTION 1: DEFINITIONS

1. Township. North Sewickley Township, Beaver County, Pennsylvania.
2. Dwelling. A building having one or more dwelling units.
3. Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
4. Guest. A person on the premises with the actual or implied consent of an occupant.
5. License (Non-Owner-Occupied Dwelling Units). A document issued by the Township to the owner of a non-owner-occupied dwelling unit within the Township. Such license is required for the lawful rental and occupancy of dwelling units under this ordinance. This license does not warrant the proper zoning, habitability, safety or condition of the dwelling unit in any way.

6. Manager. A person or entity retained by an owner to be responsible for one or more non-owner-occupied dwelling unit within the Township.

7. Non-Owner-Occupied Dwelling Unit. Any dwelling unit that is rented, leased, let out, or otherwise permitted to be occupied by a person(s) other than the owner. Vacant dwelling units are classified as non-owner-occupied dwelling units and as such are regulated by this ordinance. A non-owner-occupied dwelling unit includes dwelling units under lease purchase agreements, long-term lease agreements or sale, articles of agreement, land contracts and other such agreements.

8. Occupant. An individual who resides in a non-owner-occupied dwelling unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania.

9. Owner. All corporations, partnerships, limited liability companies or partnerships, entities, shareholders and/or all 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, but not limited to, a mortgage holder in possession of a dwelling unit.

10. Owner-Occupied Dwelling Unit. A dwelling unit in which the owner resides on a regular, permanent basis.

11. Public Officer. An officer of the North Sewickley Township Police Department or any other law enforcement agency having jurisdiction within the Township or the Code Enforcement Officer and/or his or her other agents.

13. Registration of Non-Owner-Occupied Dwelling Units. Annual submittal of necessary documentation to the Township for all non-owner-occupied dwelling units. The registration shall include the payment of the registration fee and the submittal of a complete and accurate listing of all occupants in the dwelling unit over 18 years of age.

SECTION 2: DUTIES OF OWNERS AND MANAGERS

A. It shall be the duty of every owner or manager to:

1. Keep and maintain all non-owner-occupied dwelling units in compliance with all applicable codes and provisions of all applicable state laws and regulations, including but not limited to the Township's Zoning Ordinance.

2. Keep and maintain all non-owner-occupied dwelling units in a good and safe condition.

3. Employ policies to manage the non-owner-occupied dwelling units under his or her control in compliance with the provisions of this ordinance, Township codes and applicable state laws.

4. Pay or ensure payment of all real estate taxes, sewer rates, and trash collection fees to ensure that such vital utilities are provided.

5. Obtain and maintain a license for each non-owner-occupied dwelling unit.

6. Provide the Township by June 1st of each year with the names of all tenants or occupants and the effective date of their lease of the non-owner-occupied dwelling units and notify the Township of changes in the occupancy of the non-owner-occupied dwelling units within 30 days of such change.

7. Provide trash and recyclable collection and disposal services and instruct tenants or occupants of the method of trash and recyclable collection (e.g., curbside or dumpster) and, if applicable, the day of the week of trash and recyclable pickup.

8. Take all actions necessary to ensure that each non-owner-occupied dwelling unit is occupied by only one family. For the purposes of this subsection, a "family" shall be considered to be a family if no more than three persons unrelated to all the others by blood, marriage, adoption or legal foster relationship reside together.

9. Require written rental agreement for each non-owner-occupied dwelling unit which shall include the name of each tenant that will reside in the non-owner-occupied dwelling unit.

10. Provide at least one fire extinguisher, minimum UL rating of 2A-10B:C, ABC Dry Chemical, to be placed in the kitchen or in close proximity to the kitchen, either under the kitchen sink or on a wall-mount bracket in each non-owner-occupied dwelling unit.

11. Install approved smoke detectors at such locations unless the non-owner-occupied dwelling unit is provided with an operational hard-wired smoke detection system.

B. If the owner has appointed a manager, the manager shall be jointly responsible to fulfill all of the obligations in Subsection A of this section. No owner may relieve himself of the responsibility to perform the duties set forth in Subsection A by appointing a manager.

C. It shall be unlawful for any person to conduct or operate or cause to be rented, either as owner or manager, any non-owner-occupied dwelling unit within the Township without having the license as required by this ordinance.

D. It shall be the responsibility of every owner or manager to display the license in the non-owner-occupied dwelling unit. The license shall include the following information:

1. The name, mailing address and telephone number of the owner or manager.
2. The evening 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 non-owner-occupied dwelling unit.
4. The telephone number for emergency police, fire and medical services.
5. The date of expiration of the license.

E. It shall be the responsibility of every owner or manager to display a list of all tenants residing in the non-owner-occupied dwelling unit either on the inside of the front door of the non-owner-occupied dwelling unit or on the wall beside the front door of the non-owner-occupied dwelling unit.

SECTION 3: REGISTRATION AND LICENSING

A. By June 1 of each year, including and following the passage of this ordinance, the owner or manager of each non-owner-occupied dwelling unit shall register such dwelling unit and apply for the applicable license to operate such non-owner-occupied dwelling unit with North Sewickley Township.

B. A license shall be issued if the owner or operator of the non-owner-occupied dwelling unit pays the registration fee, submits a complete and accurate occupant listing, by dwelling unit, of all persons over 18 years of age residing in the dwelling unit, and is current on water and sewer fees for the dwelling unit.

C. A license shall be revoked if the owner or operator of a non-owner-occupied dwelling unit does not pay the registration fee, is not current on water and sewer fees for the dwelling unit, does not submit a complete and accurate occupant listing or does not correct a code violation found and cited by a public officer.

D. A license shall be reinstated if the owner or operator of a non-owner-occupied dwelling unit corrects the reason for the revocation of the license.

SECTION 4: INSPECTION

A. The public officer responsible for building and housing safety and/or his or her agent(s) shall inspect each non-owner-occupied unit at least once on or before the third anniversary of the initial licensing following the filing of the non-owner-occupied dwelling unit registration. These periodic inspections shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the dwelling unit.

B. If the public officer, upon completion of the inspection, finds that the applicable codes have not been met, a notice of violation shall be issued as prescribed in the Township ordinances.

SECTION 5: APPEALS

Any person aggrieved by any decision of a public officer may appeal to the North Sewickley Township Board of Supervisors in accordance with the Township's ordinances and regulations and the Commonwealth of Pennsylvania Local Agency Law.

SECTION 6: FEES

The fees for the annual registration and licensing for all non-owner-occupied dwelling units shall be set by a resolution adopted by the Township Board of Supervisors.

SECTION 7: VIOLATIONS AND PENALTIES

A. Violations. It shall be a violation of this ordinance to commit or to permit any other person to commit any of the following acts:

1. To lease, let or allow the occupancy of a non-owner-occupied dwelling unit without obtaining a license where required by this ordinance.

2. To refuse to permit inspections required under this ordinance for a non-owner-occupied dwelling unit.

3. To fail to perform the duties established by this ordinance if such person is an owner or manager of a non-owner-occupied dwelling unit.

4. To fail to perform the duties established by this ordinance if such person is an occupant of a non-owner-occupied dwelling unit.

5. To place false information on or to omit relevant information from an application for a non-owner-occupied dwelling unit.

6. To fail to comply with any other provision of this ordinance.

B. Penalties and Remedies.

1. Allowing occupancy of a non-owner-occupied dwelling unit after the license has been revoked: a fine of not less than \$500.00 per unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

2. Failure to seek a license as required by this ordinance: A fine of not less than \$500.00 per non-owner-occupied dwelling unit for each month that the violation exists. Each month that the violation exists constitutes a separate violation.

3. Whoever violates any other provision of this ordinance shall, upon a first offense, be fined no less than \$100.00 nor more than \$1,000.00 or imprisoned not more than 30 days, or both.

4. In addition to prosecution of persons violating this ordinance, any duly authorized agent of the Township may take such civil or equitable remedies, in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this ordinance.

5. The provisions of this section and the provisions of this ordinance governing revocation, suspension or non-renewal of licenses shall be independent and separate remedies, all of which shall be available to the Township as may be deemed appropriate. The remedies and procedures in the ordinance are not intended to supplant or replace, to any degree, the remedies provided to the Township in any other ordinance or applicable code.

6. Any person found guilty of violating this ordinance may be assessed court costs and reasonable attorney's fees incurred by the Township in enforcement proceedings.

ENACTED and ORDAINED this 14 day of December, 2016.

ATTEST:

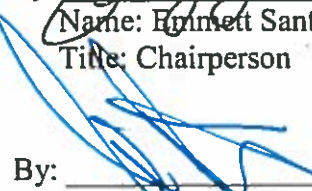


Name: Amy Schmidhamer
Title: Secretary

BOARD OF SUPERVISORS,
NORTH SEWICKLEY TOWNSHIP,
BEAVERCOUNTY, PENNSYLVANIA

By: 

Name: Ernest Santillo
Title: Chairperson



By: Tom Portman
Title: Supervisor



By: John Axtell
Title: Supervisor