

**BOROUGH OF NORTH EAST
ORDINANCE NO. 916**

**AN ORDINANCE OF THE BOROUGH OF NORTH EAST
ESTABLISHING A RESIDENTIAL
RENTAL INSPECTION PROGRAM WITHIN
THE BOROUGH OF NORTH EAST,
ERIE COUNTY, PENNSYLVANIA**

WHEREAS, the Borough of North East desires to protect and promote the public health, safety and welfare of its residents, to establish rights and obligations of owners and occupants relating to residential rental units within North East Borough and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. To this end, the following Ordinance provides for a systematic inspection program, registration and licensing of residential rental units, and penalties.

WHEREAS, the Borough Council recognizing the need within the Borough of North East to establish certain standards for the inspection and maintenance of residential rental units, it also acknowledges a general decline in the physical condition of Borough residential rental units, that the majority of Code Enforcement activities are for non-owner occupied residential units rather than owner-occupied, Police records indicate that more incidents are reported at non-owner occupied residential rental units than owner-occupied residential units which can affect property values.

WHEREAS, the owner of the premises shall maintain the structures, lot and yard in compliance with these requirements, except as otherwise provided for in this Ordinance. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Ordinance. Occupants of a building, dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the building, dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

BE IT ORDAINED AND ENACTED BY the corporate authorities of the Borough of North East, County of Erie, and Commonwealth of Pennsylvania and it is hereby enacted by the authority of the same as follows:

Section 1- Definitions - In the interpretation of this Section, the present tense includes the future; the singular number includes the plural and the plural includes the singular; and the word person includes natural person, property owner, company, trust, individual, partnership, firm, association, corporation, or entity of any kind. The following terms shall have the definitions assigned:

- 1.1 **BUILDING OR CODE OFFICIAL** – The official designated by the Borough of North East to enforce the building and/or similar laws and this Ordinance, or his/her duly authorized representative.

- 1.2 CODES – Any state or local code or Ordinance adopted, enacted or in effect in and for the Borough of North East relating to or concerning the fitness for habitation, construction, maintenance, operation, use or appearance of any premises or dwelling unit.
- 1.3 CONDITIONAL APPROVAL – Means that a rental unit may be occupied on a conditional basis, provided that certain requirements established by the Borough of North East Code Enforcement Department are addressed within a specified timeframe.
- 1.4 DWELLING UNIT/ RESIDENCE – Any building or portion thereof, which is designated for or used for residential purposes. The word “dwelling” shall not include hotels, motels, owner-occupied housing, rooming houses, or other structures used for transient residence, but shall include dwelling units under a written or unwritten lease/agreement.
- 1.5 TO LET FOR OCCUPANCY or LET- To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is legal or equitable owner or not be the legal owner of record thereof, pursuant to a written or unwritten agreement.
- 1.6 OPERATOR – Any person who has charge, care or control of a structure or premises, which are let or offered for occupancy.
- 1.7 OWNER – any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.
- 1.8 RESIDENTIAL RENTAL LICENSE – A document issued by the Borough of North East Code Enforcement Department 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 North East. Such license is required for lawful rental and occupancy of residential rental units under this Ordinance unless a Building or Code 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 for the license provisions of this Ordinance.
- 1.9 RESIDENTIAL PROPERTY- A property used or intended to be used for residential purposes.
- 1.10 RESIDENTIAL RENTAL REGISTRATION- The annual registration of all individual residential rental units within the Borough of North East, certified by a document issued to the applicant thereafter.

- 1.11 RESIDENTIAL RENTAL UNIT – A rooming unit or a dwelling unit let for rent, or a residential unit occupied by persons other than the owner or his or her immediate family members, which includes the owner’s parents, parents-in-law, or adult children. A residential unit shall not include a hotel unit.
- 1.12 RESPONSIBLE AGENT – A person authorized by the owner to act on his/her behalf. All responsible agents must reside within Erie County, Pennsylvania.
- 1.13 STRUCTURE UNFIT FOR HUMAN OCCUPANCY- Is whenever the North East Borough Code Official, applying the relevant code, finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the relevant code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- 1.14 TRANSIENT – Any individual residing or stopping in the Borough of North East, Pennsylvania for less than thirty (30) days at any one time.
- 1.15 UNSAFE STRUCTURE – One that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing the minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed or dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.
- 1.16 UNSAFE EQUIPMENT – Any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid container or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Section 2 – Rental Registration Requirements - It shall be unlawful for any person, firm or corporation to operate, let or rent to another for occupancy of any Residential Rental Unit within the Borough of North East, Pennsylvania, unless a Residential Rental Registration has been issued by the North East Borough Code Enforcement Department.

General Requirements:

- 2.1 By February 1st of each calendar year, the owner, operator, responsible agent, or manager of each Residential Rental Unit shall apply for a Residential Rental Registration.
- 2.2 A Residential Rental Registration shall be issued if the owner or operator of the Residential Rental Unit provides the name of the responsible agent (if Applicable), pays the registration fee and pays all delinquent residential water, sewer and garbage bills associated with the rental units. No residential rental unit registration

shall be issued until all property taxes are current for the building in which the Residential Rental Unit is located.

- 2.3 This registration does not warrant the habitability, safety, or condition of the residential rental unit in any way.
- 2.4 Sale, transfer, or construction of residential rental units. A Residential Rental Registration shall not be transferred. In the case of residential rental units that are sold, transferred, or constructed the new owner shall seek a Residential Registration for each residential rental unit within sixty (60) days after sale or transfer. Failure of the current owner to secure a Rental Registration License for each unit owned within sixty (60) days following transfer of ownership shall result in penalties described herein.

Section 3- Rental License Requirements - It shall be unlawful for any person to operate, let or rent to another for occupancy any Residential Rental Unit in the Borough of North East, unless a Rental License has been issued by a Borough Code Official.

General Requirements:

- 3.1 The application for the License shall be in a form determined by the Borough Code Enforcement Department.
- 3.2 Each license shall have a two (2) year term and each Residential Rental Unit is required to have a minimum of one (1) inspection every two (2) years.
- 3.3 After the initial inspection, if the rental premises comply with the relevant code provisions and the proper fee has been paid, the Code Official shall issue to the applicant a Residential Rental License.
- 3.4 If the rental premises fails to comply with the provisions of any applicable code, the Code Official shall notify the applicant in writing of the deficiencies within ten (10) days of the inspection. The owner/operator shall be given thirty (3) days from the date of the notice to schedule a second inspection. If an inspection has not been scheduled within the given time frame, the license shall not be issued.
- 3.5 If a Code Official is required to make additional inspections beyond those detailed in Section 3.4 hereof, then those inspections shall be performed for \$25 per inspection. However, in no event shall the inspection process exceed one hundred and twenty (120) days from the date of the initial inspection.
- 3.6 When a person obtains a license for a premises, which thereafter become noncompliant with the relevant codes, and fails to remedy the violation or violations within the time frames specified within the code or codes, then the license shall be revoked and occupancy in the unit shall not exceed one hundred and twenty (120) days from the date of the revocation.

- 3.7 Flats and duplexes occupied by the owner shall not be subject to the annual fee and will not be inspected providing that the building is registered annually, the owner provides proof of occupancy, and the owner signs a certification form provided by the Borough of North East affirming that the other unit is not occupied and will not be occupied. If at any time the owner chooses to allow occupancy of the other unit, all provisions of Section 3 of this Ordinance shall apply, including payment of fees and inspection. The Borough of North East reserves the right to verify that the other unit is vacant.
- 3.8 For buildings under construction or rehabilitation that have obtained a building permit to perform approved construction, the fee and inspection requirements will be suspended until the building permit is closed by the Code Official or the building permit expires. The units must be registered to meet this exemption.
- 3.9 No residential rental license shall be issued or renewed until all delinquent residential water, sewer and garbage fees associated with each unit are paid and accounts are kept up to date.
- 3.10 If the rental premises complies with the relevant code provisions and passes two (2) consecutive inspections unconditionally over a four (4) year period and the proper fee has been paid, the rental units will be eligible to be inspected only once over the next four (4) years. If a rental unit fails to comply with the provisions of any applicable code or codes during that four (4) year time period, it will be required to comply with the provision of the code and will revert back to having one (1) inspection every two (2) years. If the rental unit complies during that four (4) year period, it will be eligible to have one (1) inspection over the next four (4) years.
- 3.11 The Code Official or his/ her designee shall affix his/ her signature to every license.
- 3.12 Proof of the Residential Rental Registration and License shall be presented to a Code Official or a tenant on demand for inspection.

Section 4 – Exemptions: The Registration and Licensing provisions of this Ordinance shall not apply to the following:

- 4.1 All property owned by the Erie County Housing Authority which is inspected by a third-party certified inspector in conformance with United States Department of Housing and Urban Development requirements shall be exempt. The Borough Code Enforcement Department shall be given a copy of the inspection results for each unit.
- 4.2 Hospitals, nursing homes, boarding schools, group homes or other rental units used for habitation, where facilities are subject to County, State, or Federal licensing and inspection. Inspections of these facilities must be at a level which meets or exceeds the code.

- 4.3 Single family dwellings where a parent, parent-in-law or adult child of the owner remains in occupancy and no net income is earned by the owner. However, this exception shall not apply where the dwelling is not occupied by the owner and the dwelling becomes subject to code violations, which remain uncorrected beyond the time frames specified in the applicable codes

Section 5 – Appeals from revocation of conditional Rental Registration or Residential Rental License –

- 5.1 Property condition appeals. Any person aggrieved by any decision of a Borough Code Enforcement Official may submit an appeal to the North East Borough Council, who shall issue a decision in writing setting forth specific facts and legal conclusions; and may appeal subsequently under Local Agency Law to the Court of Common Pleas of Erie County.

Section 6 – Rules and regulations -

- 6.1 The North East Borough Code Enforcement office is authorized to promulgate rules and regulations for the enforcement and interpretation of this Ordinance as approved by North East Borough Council.
- 6.2 The rules and regulations shall be on file at North East Borough Hall and shall be provided to each applicant for registration and license upon a request for an application.

Section 7 – Severability - The provisions of this Ordinance are declared to be severable; and if any section, sentence, clause or phrase of this article shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and 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 8 – Fees: The fees for inspections associated with Residential Rental License issuance and may be changed or modified by the North East Borough Code Enforcement Department with proper notification provided no less than ninety (90) days prior the effective date of the new fee schedule.

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| 8.1 | Initial Inspection Fee | \$10/unit |
| | Additional Inspection Fee | \$15/unit |

- 8.2 If the rental unit meets the requirements described in this Ordinance for issuance of a Residential Rental License and is eligible to be inspected only once over the next four(4) years, it shall follow the fee schedule below for that four (4) year period.

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|---------------------------|-----------|
| Inspection Fee | \$20/unit |
| Additional Inspection Fee | \$25/unit |

Section 9 – Owners Rights - The terms and provisions of this Ordinance are not intended to bar, preclude or affect the right of the owner to pursue judicial or extrajudicial relief against a tenant.

Section 10 – Insurance

- 10.1 Minimum coverage- use of insurance proceeds. All owners shall be required to obtain a minimum of \$50,000 general liability insurance, and hazard and casualty insurance. The proceeds of any policy of insurance shall be utilized consistent with the Uniform Construction Code, Article 1503.21 (11) B. (Fire Escrow Fund).
- 10.2 Property owners to provide Borough of North East with insurance information. Owners shall be required to place their insurance company name, policy number and policy expiration date on their rental registration form, or in the alternative, to provide the Code Enforcement Official with a copy of a certificate of insurance. A registration certificate shall not be issued unless insurance information is provided to the code enforcement office.

Section 11 – Penalty – Violation of this Ordinance is a summary offense, with penalties upon conviction as follows:

- 11.1 Revocation or failure to renew a Residential Rental License. A fine of not less than \$200 per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall be sought for any period during which the residential rental unit is vacant, and the owner, operator, responsible agent, or manager is not taking appropriate action to correct the violations.
- 11.2 Failure to register, or failure to seek a Residential Rental License (for newly constructed, newly created or substantially rehabilitated rental units). The owner, responsible agent or manager shall be sent a thirty (30) day Notice of Violation, warning of the failure to comply with the terms of this ordinance. Failure to comply at the end of the thirty (30) days will result in a fine not less than \$200 per residential unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- 11.3 Whoever violates any other provision of this Ordinance shall, upon a first offence conviction, be fined not more than \$1,000 nor less \$100 or imprisoned not more than 90 days, or both.


- 11.4 After conviction for violation of this Ordinance, if such person continues violating the same provision then such person shall be liable for further prosecution, conviction, and punishment without the issuance of a new Notice of Violation or order.
- 11.5 In addition to prosecution of persons violating this Ordinance, the Public Officer, the Borough of North East legal counsel or any duly authorized agent of the Borough of North East may seek 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.

Section 12 - Owners Severally Responsible - If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this section.

Section 13 - Effective Date - This Ordinance shall become effective on June 1, 2021.

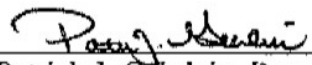
ENACTED INTO AN ORDINANCE THIS 5TH DAY of APRIL 2021.

BOROUGH OF NORTH EAST

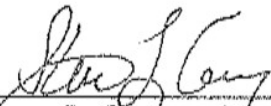


David Hall, President of Borough Council

ATTEST:



Patrick J. Gehrlein, Borough Manager



Steven L. Gregory, Mayor