

ORDINANCE 2022-03

AN ORDINANCE, CREATING TITLE ##_____, ARTICLE ##_____, OF THE CITY OF SHAMOKIN CODE OF ORDINANCES TO BE ENTITLED, "REGISTRATION OF RENTAL PROPERTY"; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN RENTAL PROPERTY BY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE CITY OF SHAMOKIN PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Shamokin of Pennsylvania (the "City of Shamokin") desires to protect the public health, safety and welfare of the citizens of the incorporated area of the City of Shamokin and maintain a high quality of life for the citizens of the City of Shamokin through the maintenance of structures and properties in the City of Shamokin; and

WHEREAS, the City of Shamokin has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the City of Shamokin concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Rental Property located within the City of Shamokin to ensure that such property is in compliance with the minimum property maintenance standards adopted and enforced by the City of Shamokin.

WHEREAS, the City of Shamokin wishes to modify the Landlord Tenant Ordinance to include a third party registration resource called ProChamps.

WHEREAS, the City of Shamokin wishes to move its rental registration process to an online process for the benefit of the Code Enforcement office, as well as, the landlords of City of Shamokin properties.

(RESOLUTION)

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE City of Shamokin as follows:

The City Council finds that the implementation of the following changes and additions will assist the City of Shamokin in providing for the health, safety, and welfare of the citizens of the City of Shamokin

1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof
2. That the City Council does hereby amend the City of Shamokin Codified Ordinances by creating Article ##_____, Chapter ##_____ to be entitled "Registration of Rental Property" to read as follows:

TITLE ##_____. ARTICLE ##_____. REGISTRATION OF RENTAL PROPERTY

Sec. 291-1 REPEALER

The current landlord-tenant ordinance is hereby repealed and replaced by the following chapter.

Sec. 291-2 TITLE

This chapter shall be known as the "City of Shamokin Landlord Ordinance."

Sec. 293-3 PURPOSE AND INTENT

It is the purpose and intent of the City Council to protect the health, safety, and welfare of the City of Shamokin and to ensure owners and occupants share responsibility to prevent and avoid nuisances in the City of Shamokin. The purpose of this Article is to identify Rental Property in the City of Shamokin, to ensure that such properties afford tenants a safe and decent place to dwell, and to require Rental Property with substandard conditions to meet and maintain minimum building and housing code standards, exterior maintenance standards, and to reduce criminal activity. The City Council has determined that requiring that all Rental Properties be registered with the City of Shamokin and inspected serves these legitimate governmental interests.

Sec. 293-4 DEFINITIONS

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

COMMON AREA shall mean any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.

DISRUPTIVE CONDUCT shall refer to any form or conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor or 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 such that a report is made to police and/or to the Code Enforcement Officer 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 a 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 the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.

DISRUPTIVE CONDUCT REPORT shall mean a written report of disruptive conduct on a form to be prescribed therefor, to be completed by the police who actually investigate an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

Enforcement Officers shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the City of Shamokin to enforce the applicable code(s).

GUEST shall mean a person on the premises with the actual or implied consent of an occupant.

Landlord shall mean one or more persons or entities, jointly or severally, including a mortgage holder in possession of real property, 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 the present use and enjoyment of the premises, who rents, leases, or lets for consideration any Rental Property. (Same as "owner.")

LANDLORD ORDINANCE APPEALS BOARD Shall have at least one representative from each of the following groups: landlords, appointment to be made at City reorganization meeting, City Council, to coincide with City Council's term, and the general public, appointment to be made at City reorganization meeting. This board shall meet within 30 days of a request from a landlord or tenant for an eviction or repeal of renting privileges. It will review the material and make a recommendation to Council on how to proceed. The Landlord Ordinance Appeals Board will not possess any voting power and will be used purely to make recommendations to Council.

LANDLORD AND TENANT ACT shall mean The Landlord and Tenant Act of 1951, 68 P.S. § 250.101 et seq.

MANAGER shall mean an adult individual designated by the owner of a residential rental unit.

OCCUPANCY LICENSE shall mean the license issued to the owner of residential rental units under this chapter, which is required for the lawful rental and occupancy of residential rental units.

OCCUPANT shall mean an individual who resides in a residential rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania.

Owner shall mean every person, entity, Landlord, or mortgagee, who alone or severally with others:

- a. Has legal or equitable title to any long-term or short-term Rental Property, dwelling unit, mobile dwelling unit, building, structure, parcel of land, Vacant or otherwise, including but not limited to, a mobile home park; or
- b. Has legal care, charge or control of any Rental Property, in any capacity available to the City of Shamokin, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or RENTAL
- c. Is a mortgagee in possession of any such Rental Property, or is a mortgagee with actual control of access to the Rental Property by any means including, but not limited to, changing locks or putting on a lock box; or

d. Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such Rental Property.

e. The Property Manager shall not be considered the Owner.

OWNER-OCCUPIED RENTAL UNIT shall mean a rental unit in which the owner resides on a regular, permanent basis.

PERSON shall mean a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

PREMISES shall mean any parcel of real property in the City, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental units are located.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required by this Article.

RENTAL AGREEMENTS shall mean a written agreement between owner/landlord and occupant/tenant supplemented by the addendum required under § 293-8, embodying the terms and conditions concerning the use and occupancy of a specified residential rental unit or premises.

Rental Property shall mean any improved structure or portion of a structure within the City of Shamokin which is occupied by someone other than the Owner or Landlord of the real property for residential or commercial purposes, including but not limited to the following: any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home, mobile home park, mobile home space, recreational vehicle park, town home, or condominium and for which the Owner and/or Landlord receives any value or consideration, including but not limited to money, or the exchange of goods or services, regardless of the relationship between lessor and lessee.

Long-Term Rental Property shall mean Rental Property which the Owner and/or Landlord rents or leases for a term of 181 days or longer.

Short-Term Rental Property shall mean Rental Property which the Owner and/or Landlord rents or leases for a term not exceeding 180 days.

RESIDENTIAL RENTAL UNIT shall mean any structure within the City of Shamokin which is occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel or real estate received any value, including but not limited to money or the exchange of services. Each apartment within a building is a separate structure requiring inspection and a license.

STRUCTURE shall mean any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Each apartment within a building is a separate structure.

TENANT shall mean an individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania. (Same as "occupant.")

Sec. 293-5 APPLICABILITY

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the City of Shamokin above and beyond any other State or the City of Shamokin provisions for same.

Sec. 293-6 ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section ## the City of Shamokin, or its designee, shall establish a registry cataloging each Rental Property within the City of Shamokin, containing the information required by this Article.

Sec. 293-7 REGISTRATION OF RENTAL PROPERTY

- a. Every Owner or Landlord of Rental Property shall, prior to permitting occupancy thereof by any person (or, within sixty (60) days of the enactment of this Ordinance) register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed. A separate registration is required for each Rental Property. Registration shall be required annually becoming due on the anniversary date of the initial obligation to register.
- b. Registration pursuant to this section shall contain the name(s), direct mailing address, a direct contact name, telephone number, and e-mail address for the Owner and/or Landlord, and, if the Owner and/or Landlord does not reside within twenty (20) miles of the Rental Property, the name and twenty-four (24) hour contact phone number for the Property Manager. The registration shall also identify the name(s), direct mailing address, a direct contact name, telephone number, and e-mail address for the all persons authorized by the Owner and/or Landlord to occupy the Rental Property.

- c. At the time of initial registration, each registrant shall pay a non-refundable annual registration fee of \$50 per registration of Rental Property unit. Subsequent non-refundable annual registrations as required by this Article are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Rental Properties, (3) and for any related purposes as may be adopted in the policy set forth in this Article. Said fees shall be deposited to a special account in the City of Shamokin's Code Enforcement Department dedicated to the cost of implementation and enforcement of this Ordinance and fulfilling the purpose and intent of this Article.

- d. Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date in accordance with the previous renewal date of January 1st shall have thirty (30) days to renew the registration and pay the non-refundable fifty dollar (\$50.00) Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every twelve (12) months from the expiration of the registration date and shall pay the non-refundable fifty dollar (\$50.00).

- e. The license shall indicate thereon the maximum number of occupants in each rental unit.

- f. No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this chapter or any of the ordinances of the City of Shamokin relating to land use and/or code enforcement or if any licensing fees under this chapter are due and owing the City.

- g. Any person or other legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

- h. If the Rental Property is sold, the new Owner or Landlord is subject to all the terms of this Article. If the new Owner does not immediately occupy the property, the new Owner shall register the Rental Property within ten (10) days of the sale. Any and all previous unpaid

fees, fines, and penalties at the time initial registration and/or renewal registrations were required and are subject to enforcement per this Article. The previous Owner or Landlord will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner and/or Landlord's involvement with the Rental Property. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the City of Shamokin is authorized and empowered to collect on the previous Owner and/or Landlord's nonpayment of previous fees, fines, and penalties in any lawful manner.

- i. If the Rental Property is not registered, or either the registration fee or the renewal fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the registration fee shall be charged for every thirty-day-period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners and/or Landlords of Rental Property. Registrations delinquent greater than thirty (30) days are also subject to additional fines as described herein.
- j. Failure of the Owner or Landlord of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Article and shall be subject to enforcement by any of the enforcement means available to the City of Shamokin.
- k. In registering a Rental Property, the form will indicate that submission grants the City of Shamokin the authority to issue trespass warnings to individuals who cannot demonstrate written authorization to be on the Rental Property, including any common areas related to the Rental Property. The landlord or owner can opt out of or revoke the City of Shamokin's authority to issue a trespass warning by notifying the City of Shamokin on

the registration form or in writing, directed to the Sheriff, code enforcement, the _____ or special magistrate.

- I. If any property is in violation of this Article the City of Shamokin may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

- m. Registration of a Rental Property does not alleviate the Owner and/or Landlord from obtaining all required licenses, permits and inspections required by applicable code or Pennsylvania Statutes.

Sec. 293-8 MAINTENANCE REQUIREMENTS

- a. Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

- b. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

- c. Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration is required.

- d. Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

- e. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

- f. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g. Failure of the Owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City of Shamokin. Pursuant to a finding and determination by the City of Shamokin, Sheriff, Magistrate or a court of competent jurisdiction, the City of Shamokin may take the necessary action to ensure compliance with this section.
- h. In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the City of Shamokin.

Sec. 293-9 SMOKE ALARMS

All owners of residential units in the City of Shamokin shall be required within five days of the passage of this chapter to install smoke alarms, regardless of the occupant load at the following locations:

- A. On the ceiling or wall outside each separate sleeping area in the immediate vicinity of the bedrooms;
- B. In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics

Sec. 293-10 INSPECTIONS

- a. If a Rental Property is not in compliance with applicable code(s), the Owner, or if the Owner does not reside within twenty (20) miles of the Rental Property, the Property Manager shall perform the work necessary to bring the property into compliance with the applicable code(s), and the Owner or Property Manager must perform regular inspections to verify compliance with the requirements of this Article, and any other applicable code(s) and law(s).
- b. In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the City of Shamokin.

- c. Failure of the Owner of record to properly inspect and secure a property subject to this Article and applicable code(s), when legally possible, is a violation and shall be subject to enforcement by any of the enforcement means available to the City of Shamokin. The City of Shamokin may take the necessary action to ensure compliance with this section and recover costs and expenses in support thereof.

Sec. 293-11 NONCOMPLIANCE. NOTICE OF VIOLATIONS

- a. Any parcel of real estate containing a residential rental unit which has been found to be in noncompliance with this chapter shall be subject to reinspection by the Code Enforcement Officer as follows:
 1. Each residential rental unit referred to above shall be inspected biennially. A particular residential unit which contains a violation of this subsection shall be reinspected as set forth above.
 2. In addition, each residential rental unit shall be inspected each time one of the residential rental units is vacant.
- b. In the event of a violation, a residential rental unit cannot be occupied unless and until the unit is approved as meeting the criteria of this chapter and any other applicable codes of the City of Shamokin as determined by the Enforcement Officer.
- c. If after inspection of one or more of the residential rental units as set forth above the Code Enforcement Officer determines that there are violations of any codes of the City of Shamokin, the Code Enforcement Officer shall provide a notice of violation which shall, at a minimum, set forth the following:
 1. Street address of the property.
 2. Date of inspection.
 3. Name of the inspector.
 4. List of violations.
- d. Notice of violations.
 1. Within 10 days after receipt of a written notice from the City of Shamokin Code Enforcement Officer that there has been a violation of this section or any other applicable ordinances of the City of Shamokin, the owner shall take immediate steps to remedy the violation and take steps to

2. Within 20 days after receipt of a notice of violation, the owner of a residential rental unit shall file with the Code Enforcement Officer a report on a form provided by the City of Shamokin setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
 3. The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner, on his or her initiative, shall enforce the plan, and failure to do so shall be a violation of this chapter of the City of Shamokin.
 4. In the event that a second violation occurs within a twelve-month period, involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupant or occupants who have violated the ordinance of the City of Shamokin and to not permit the occupant to occupy the premise during any subsequent period. The owner or tenant may request a review by the Landlord Ordinance Appeals Board.
- e. If, after a violation as set forth above, a parcel of real estate containing residential rental units has no violations of applicable codes of the City of Shamokin for a period of two years, said property shall then be deemed to be back in compliance with the terms and conditions of this chapter and shall not then be subject to the inspections set forth in this section until there are other violations.
- f. If a parcel of real estate in noncompliance with the terms and conditions of this chapter or other ordinances of the City of Shamokin is sold, then the parcel of real estate shall remain in noncompliance until the sooner of the following has occurred:
1. The original two-year period with no violations passes with no further violations; or
 2. If 12 months pass after purchase by the new owner with no violations of any ordinances of the City of Shamokin.

- g. All owners or any real estate containing or upon which are erected any residential rental unit which are in noncompliance with this chapter and who desire to sell the parcel of real estate shall notify the purchasers, in writing, prior to the sale of the parcel of real estate that the parcel of real estate is in noncompliance with the terms and conditions of this chapter. Further, any property owner selling a parcel of real estate upon which is erected a residential rental unit or units which are found to be in noncompliance under the terms and conditions of this chapter shall notify the Code Enforcement Officer, in writing, within 30 days prior to closing on the sale of said parcel of real estate.
- h. All owners of any parcels of real estate containing residential rental units shall permit access to the property so that the Code Enforcement Officer of the City of Shamokin or his designee shall be able to complete all inspections necessary to determine compliance with this chapter and any other applicable ordinances of the City of Shamokin. Refusal to allow entry of the residential rental unit by the Code Enforcement Officer of the City of Shamokin to inspect the said unit shall be a violation of this chapter.
- i. For the purpose of enforcing this chapter, the Code Enforcement Officer or designee may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection or otherwise enforcing the terms and conditions of this chapter.
- j. The Code Enforcement Officer may reinspect any property subject to a notice of violation upon expiration of the time to accomplish repairs or upon notice from the owner that the violations have been rectified.
- k. The owner of any property containing or upon which is erected a residential rental unit shall pay a \$25 fee for each and every reinspection to cover the cost of a reinspection each time a reinspection is required under the terms of this chapter or each time a reinspection is requested by the Code Enforcement Officer to determine compliance with this chapter or any other applicable ordinances of the City of Shamokin. The fee set forth herein may be increased or decreased by a resolution of the City of Shamokin Council.
- l. Rescheduling fee for no show at the time of inspection.

Sec. 293-12 DOCUMENTS MAINTAINED BY THE OWNER

The owner shall maintain at the licensed rental unit and provide upon demand the following:

- a. The current license and current inspection report issued by the Code Enforcement Office of the City of Shamokin.
- b. The addendum to the license application required by this chapter, showing the names and the authorized occupants of the residential rental unit.
- c. The total number of persons who may occupy the residential rental unit or units and any common areas located within the rental unit.

Sec. 293-13 OCCUPANT DUTIES

- a. Generally the occupant shall comply with all obligations imposed upon occupants by this chapter, all applicable codes and ordinances of the City of Shamokin and all applicable provisions of state law.
- b. Health and safety regulations.
 1. The maximum number of persons permitted in any rental unit at any time shall not exceed one person for each 40 square feet of habitable floor space in said rental unit.
 2. The occupant shall deposit all rubbish, garbage and other waste from his or her rental unit into containers provided by the owner, landlord or tenant (which is specified in the lease) in a clean and safe manner and shall separate and place for collection all recyclable materials, in compliance with the recycling plan submitted by the owner to the City of Shamokin or, if there is no recycling plan for the premises, then in compliance with the City of Shamokin's Recycling Ordinance and all other applicable ordinances, laws and regulations.
- c. Peaceful enjoyment. The occupant shall conduct himself or herself and require other persons, including, but not limited to, guests on the premises and within his or her rental unit with his or her 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 the persons occupying same.

- d. Residential use. The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.
- e. Illegal activities. The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101 et seq.) or Liquor Code (47 P.S. § 1-101 et seq.) or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.).

Sec. 293-14 DISRUPTIVE CONDUCT

- a. The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in disruptive conduct or other violations of this chapter.
- b. Compliance with rental agreement. The occupant shall comply with all lawful provisions of the rental agreement entered into between owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.
- c. Damage to premises. The occupant shall not intentionally cause nor permit or tolerate others to cause damage to the premises. Conduct which results in damages in excess of \$500 shall be considered a violation of this chapter.
- d. Inspection of premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice. The tenant should be present or have given written permission when the inspection is performed.
- e. Removal or defacement of notice. It shall be a violation of this chapter for any person to remove or deface any notice or document required to be posted within a rental unit and it shall be unlawful for any person to occupy the rental unit unless all notices and documents are posted as required.
- f. Disruptive conduct. It shall be a violation of this chapter for any occupant or any other person to engage in disruptive conduct as defined by this chapter.

Sec. 293-15 DISCIPLINARY ACTIONS

- a. Grounds for nonrenewal, suspension or revocation of license, general. The Code Enforcement Officer may initiate disciplinary action against an owner

that may result in a formal warning, nonrenewal, suspension or revocation of the owner's license for violating any provision of this chapter that imposes a duty upon the owner and/or for failing to regulate the breach by occupants as provided for herein.

b. Definition of options.

1. Formal warning. Formal written notification of at least one violation of this chapter. Upon satisfactory compliance with this chapter and any conditions imposed by the Code Enforcement Officer and/or the City of Shamokin Council, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer or by the Council of the City of Shamokin.
2. Nonrenewal. The denial of the privilege to apply for license renewal after expiration of the license term. The City will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or by the Council of the City of Shamokin.
3. Suspension. The immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or City Council. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.
4. Revocation. The immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or the City Council and the loss of the privileges to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.
5. Appeals. The owner may request a hearing on the suspension, nonrenewal or revocation with the City Landlord Ordinance Appeals Board. This hearing must be held within 30 days of the request.

- c. Criteria for applying discipline. The Code Enforcement Officer, when recommending discipline, and for City Council, when applying discipline, shall consider the following:

1. The effect of the violation on the health, safety and welfare of the occupants of the residential rental unit and other residents of the premises.
 2. The effect of the violation on the neighborhood.
 3. Whether the owner has prior violations of this chapter and other ordinances of the City or has received notices of violations as provided for in this chapter.
 4. Whether the owner has been subject to disciplinary proceedings under this chapter.
 5. The effect of disciplinary action on the occupants.
 6. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
 7. The policies and lease language employed by the owner to manage the rental unit to enable the owner to comply with the provisions of this chapter.
 8. In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend and City Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this chapter.
- d. Grounds for imposing discipline. Any of the following may subject an owner to discipline as provided for in this chapter:
1. Failure to abate a violation of City codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
 2. Refusal of owner to permit the inspection of the premises by the Code Enforcement Officer as required by this chapter.
 3. Failure to take steps to remedy and prevent violations of this chapter by occupants of residential rental units as required by this chapter.

4. Failure to file and implement an approved plan to remedy and prevent violations of this chapter by occupants of the rental unit as required by this chapter.
5. Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the City as provided for in this chapter.
6. Three violations of this chapter or other ordinances of the City that apply to the premises within a license term. For purposes of this chapter, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this section, the owner must have received notice, in writing, of this violation within 30 days after the Code Enforcement Officer received notice of the violation.

e. Procedure for nonrenewal, suspension or revocation of license.

1. Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, be sent certified mail and shall contain the following information:
 - a. The address of the premises in question and identification of the particular residential rental unit(s) affected.
 - b. A description of the violation which has been found to exist.
 - c. statement that the license for said residential rental unit(s) shall be either suspended or revoked, or will not be renewed for the next license year beginning January of that year, or that the owner will receive a formal warning.
 - d. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and in the case of a suspension shall also state the duration of said suspension.
 - e. A statement that, due to the nonrenewal, suspension or revocation (as the case may be) the owner or any person acting on his, her or its behalf is prohibited from renting, leasing or

permitting occupancy of the dwelling unit(s) from and during the period said action is in effect.

- f. A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to City Council through the Landlord Ordinance Appeals Board by submitting, in writing, to the City, within 30 days from the date printed on the notice, a detailed statement of the appeal, including the grounds therefor and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned, and a statement of relief requested by the appellant. Such notice of appeal shall be required to be submitted on a form to be prescribed therefor by City Council and signed by the appellant. There is hereby imposed a fee of \$150 for the filing of such appeals, the amount of which shall be determined and established, from time to time, by resolution of City Council. Upon receipt of such an appeal in proper form, accompanied with the requisite fee, the City Administrator shall schedule a hearing of the Landlord Ordinance Appeals Board to be held within 30 days of the request. The recommendation from the Appeals Board will be presented to Council for action at the next regular Council meeting. If the appeal is reversed, the fee will be refunded.
- g. The appellant, the Code Enforcement Officer and the owners of properties within a radius of 300 feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.
- h. The City Landlord Ordinance Appeals Board shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. § 551, et seq. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the City Landlord Ordinance Appeals Board shall make a decision affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing, stating clearly the factual and legal basis for the decision, within 45 days after the hearing. If the

Council of the City of Shamokin deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than 30 days from the initial hearing and, in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

2. Delivery of notification.
 - a. All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.
3. If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the addresses stated on the most current license application for the premises in question, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the US Mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the US Mail, and all time periods set forth above shall thereupon be calculated from said fifth day.
4. Nonexclusive remedies. The penalty provisions of this section and the license nonrenewal, suspension and revocation procedures provided in this chapter shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City as may be deemed appropriate for carrying out the purposes of this chapter. The remedies and procedures provided in this chapter for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other code or ordinance of the City, whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this chapter.

Sec. 293-16 PROVISIONS SUPPLEMENTAL

Nothing contained in this Article shall prohibit the City of Shamokin from enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

Sec. 293-17 ADDITIONAL AUTHORITY

- a. If the Enforcement Officer has reason to believe that a property subject to the provisions of this Article is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Owner, and may bring the violations before the code enforcement, the _____ or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the City of Shamokin from abating any nuisance or unsafe condition by any other legal means available to it.
- b. The Sheriff, code enforcement, the _____ or special magistrate shall have the authority to require the Owner affected by this section, to implement additional measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c. If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, the City Council or special magistrate may direct the City of Shamokin to abate the violations and charge the Owner with the cost of the abatement.
- d. In registering a property as a Rental Property, and in order to abate part of the harm caused by certain rental properties that pose a serious threat to the public health, safety, and welfare of the City of Shamokin, the Sheriff, code enforcement, the _____ or special magistrate is granted the authority to issue a trespass warning to individuals on the Rental Property, including any common areas related to the Rental Property, unless they can demonstrate authority in writing to be on the property. The landlord or owner can opt out of or revoke the City of Shamokin's authority to issue a trespass warning by notifying the City of Shamokin on the registration form or in writing, directed to the Sheriff, code enforcement, the City Council or special magistrate.

- e. If the Owner does not reimburse the City of Shamokin for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, the City Council or special magistrate, within thirty (30) days of the City of Shamokin sending the Owner the invoice then the City of Shamokin may lien the property with such cost, along with an administrative fee as determined in the City of Shamokin's fee ordinance to recover the administrative personnel services. In addition to filing a lien the City of Shamokin may pursue financial penalties against the Owner.
- f. The City of Shamokin may contract with an entity to implement this Article, and, if so, any reference to the Enforcement Officer herein shall include the entity the City of Shamokin contracts with for that purpose.

Sec. 293-18 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this Article shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

Sec. 293-19 IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the City of Shamokin to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Article.

Sec. 293-20 PENALTIES

Unless otherwise provided for in this Article, a violation of this Article is declared unlawful.

Sec. 293-21 AMENDMENTS

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the City Council.

Sec. 293-22 SEVERABILITY

It is hereby declared to be the intention of the City of Shamokin that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Sec. 293-23 CODIFICATION


It is the intention of the City of Shamokin, that the provisions of this Ordinance shall become and be made a part of the City of Shamokin Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "Article", or such other appropriate word or phrase in order to accomplish such intentions.

Sec. 293-24 EFFECTIVE DATE

This Ordinance shall be effective ten days after enactment.

ENACTED AND ORDAINED, at regular meeting of the Council of the City of Shamokin, held on the 11th day of APRIL, 2022.

ATTEST:
COUNCIL:



ROBERT M. SLABY
CITY ADMINISTRATOR

CITY OF SHAMOKIN

BY: 
RICHARD ULRICH,
MAYOR