

BOROUGH OF CASTLE SHANNON

ORDINANCE NUMBER 917

AN ORDINANCE OF THE BOROUGH OF CASTLE SHANNON, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING REGULATIONS AND REQUIREMENTS FOR RENTAL PROPERTY IN THE BOROUGH; REQUIRING OWNERS OF RENTAL PROPERTY TO SUBMIT A RENTAL UNIT OCCUPANCY REGISTRATION STATEMENT AND OBTAIN A CERTIFICATE OF OCCUPANCY AND RENTAL PERMIT FOR ALL RENTAL UNITS AND APPOINT A LOCAL AGENT IF NECESSARY; REQUIRING INSPECTION OF RENTAL UNITS; PROVIDING CRITERIA AND PROCEDURES FOR REVOCATION OF RENTAL PERMITS; ESTABLISHING INSURANCE REQUIREMENTS; ESTABLISHING FEES; AND ESTABLISHING PENALTIES FOR VIOLATIONS

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Castle Shannon, in lawful session duly assembled, and it is hereby ORDAINED AND ENACTED as follows:

Section 1. Findings and Purpose

It is the purpose of this ordinance to establish the rights and obligations of owners and occupants of real property in the Borough of Castle Shannon and to encourage owners and occupants to maintain and improve the quality of rental properties and rental housing within the community.

A. This ordinance provides for a system of inspections, issuance and renewal of rental property permits and rental unit occupancy registrations, and it establishes penalties for violations.

B. In many cases, the owners of rental properties live long distances from the Borough of Castle Shannon. As a result, property maintenance of many residential rental units in the Borough of Castle Shannon has been deficient.

C. Problems have occurred because tenants, who have no ownership interest in the real estate, have not been concerned about following codes of the Borough of Castle Shannon, including codes which govern property maintenance and the safety of property. This in turn, at times, has caused problems for the owners of property near the rental units.

D. Due to significant changes in the Uniform Construction Codes, Property Maintenance Codes and fire and safety codes, particularly since 2009, and in order to maintain the health, safety, and well-being of the residents of the Borough, the Borough's Code Enforcement Officer has recommended that the requirements of ordinance be applied and enforced for all dwelling units, including non-rental dwelling units. Therefore, any dwelling unit that does not have a valid certificate of occupancy

before the year 2009 or after is required to apply for a certificate of occupancy. Additionally, for all Rental Units, if occupancy has changed since 2009, an inspection and new Certificate of Occupancy is required.

E. In order to protect the health, safety and welfare of the Borough and its citizens and the properties and property values in the Borough, the Castle Shannon Borough Council has determined that it is necessary to establish certain regulations and requirements for the use and occupancy of properties, particularly rental properties.

Section 2. Definitions

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

A. **OWNER OR AGENT:** A person, corporation, partnership or other entity who shall have charge, care or control of any structure as owner, or as agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person acting as agent or actual owner is subject to the provisions of this ordinance.

B. **APPLICANT:** The owner, buyer or agent, such as but not limited to a realtor, broker, etc., who shall have control, authority and responsibility for the orderly processing of any property regulated by this ordinance.

C. **BOROUGH PROPERTY MAINTENANCE CODE:** All state or local codes adopted, enacted and in effect in and for the Borough of Castle Shannon relating to or concerning the fitness for habitation, construction, maintenance, operation, use or appearance of any premises or dwelling unit.

D. **BOROUGH ZONING CODE:** Ordinance Number 891 of the Borough of Castle Shannon known as the Borough of Castle Shannon Zoning Ordinance, as amended.

E. **BUILDING:** Any structure occupied or intended for supporting or sheltering any occupancy. For application of this ordinance, each portion of a building which is completely separated from other portions by fire walls complying with the Building Code shall be considered as a separate building.

F. **CODE DEPARTMENT:** The department charged with the Building Code and the Borough Property Maintenance Code for the Borough.

G. **CODE ENFORCEMENT OFFICER:** The Borough of Castle Shannon Building Inspector/Zoning and Code Official or person designated by him/her charged with the administration and enforcement of this ordinance.

H. COMMON AREA: Space which is not part of the rental unit and which is shared with other occupants of a building, whether they reside at or occupy the rental unit or not. Common areas shall be considered part of the premises for the purpose of this ordinance.

I. OCCUPANCY: The purpose for which a building, or portion thereof, is used.

J. OWNER: A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity in which is vested all or part of the legal title to a rental unit.

K. OWNER-OCCUPIED PORTIONS OF RENTAL PROPERTIES: Areas or portions of a rental property that are used or occupied primarily by the property owner.

L. RENTAL PERMIT: A document issued by the Borough of Castle Shannon to the owner, operator, or responsible agent of a rental unit upon correction of all applicable code violations and payment of all applicable fees granting permission to operate the rental unit in the Borough of Castle Shannon.

M. RENTAL UNIT: Any commercial unit, rooming unit or dwelling let or leased for rent, and any other-than-owner-occupied commercial or residential unit.

N. RENTAL UNIT OCCUPANCY REGISTRATION: A document, in a form issued by the Borough, submitted or filed by the owner, operator, or Agent of the owner of a rental unit evidencing the existence of said rental unit and documenting the occupants thereof.

O. TRANSIENT: Any individual residing or occupying a rental unit in the Borough of Castle Shannon for less than 30 days at one time.

P. UNFIT FOR HUMAN HABITATION: Denotes whenever the Code Official finds that a unit is unsafe, unlawful or uninhabitable because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, is vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Borough Property Maintenance Code.

Section 3. Registration Required

A. It shall be unlawful for a dwelling house, apartment or other living quarters, commercial establishment, building, premises or structure to be occupied or used as a rental unit, unless a Rental Unit Occupancy Registration has been submitted to the Borough as set forth herein. Included in this registration shall be a

list containing all tenants and occupants (regardless of age or relationship to lessee) residing in each dwelling unit. Contact information for the tenant and all occupants, including addresses, telephone numbers and email addresses, shall be included if available.

B. Within 45 days after the adoption of this ordinance, every owner of a rental unit shall file with the Borough an Initial Rental Unit Occupancy Registration statement on forms supplied by the Borough. Additionally, on or before March 31, of each year, every owner of a rental unit shall file with the Borough an Annual Rental Unit Occupancy Registration statement on forms supplied by the Borough. For new rental property, within thirty (30) days of commencement of use of any property as rental property, an Initial Rental Unit Occupancy Registration shall be filed with the Borough. The Initial and Annual Rental Unit Occupancy Registration statements shall contain the following information:

1. A description of the rental unit by street number, tax ID parcel number and apartment number or other indicia sufficient to distinguish each rental unit from all others.
2. The name, address, and telephone number of the owner, if said owner is an individual. If the owner is a corporation, the Rental Unit Occupancy Registration statement shall provide the name of the corporation, state or country of incorporation, and the names, addresses, and telephone numbers of all officers and directors of the corporation. If the owner is a trust, partnership, or any other form of unincorporated association, the registration statement shall provide the names, addresses, and telephone numbers of all partners or principals with an interest of 10% or greater.
3. The names, telephone numbers and email addresses of all tenants and occupants along with the apartment number, if applicable.

C. The Initial and Annual Rental Unit Occupancy Registration statements submitted to the Borough shall be accompanied by a required fee of \$5.00 per unit which may be adjusted from time-to-time by Resolution of Borough Council.

D. The owner or Agent shall notify the Borough of changes to the tenant or occupant listing within ten (10) business days of such change by submitting updated names and telephone numbers on the form prepared and provided by the Borough. In so doing, the owner or Agent shall notify the Borough of the name of any tenant or occupant who previously resided in the rental unit and is no longer residing at or occupying the rental unit.

E. This registration required by this paragraph does not affect the requirements of all applicable building, fire and safety and all such codes shall continue to apply to all rental units.

F. In the case of registered units that are sold, transferred or constructed, the new owner or Agent shall, within thirty (30) calendar days, submit to the Borough a new Initial Rental Unit Occupancy Registration Statement for each unit purchased or acquired. Failure of the new owner or Agent to submit a new Initial Rental Unit Occupancy Registration Statement within thirty (30) calendar days of the date of sale or transfer of ownership shall constitute a violation of this ordinance.

Section 4. Appointment of Agent

A. Each owner of property any portion of which is used as a rental unit who is not an owner-occupant or who does not live or work in Allegheny County or a county adjacent to Allegheny County shall appoint a person, 18 years of age or older, who resides in or works in Allegheny County or an adjacent county as an Agent for the owner. If the owner is a corporation or partnership, an Agent shall be required if an officer of the corporation or partner of the partnership does not reside or work in Allegheny County or an adjacent county. An officer of a corporation or partner of a partnership owning rental property may perform the same function as an Agent. The name, address, telephone number and 24 hour contact information of an owner or Agent shall be provided to the Borough on the Rental Unit Occupancy Registration form. For the purposes of this section, a post office box is not an acceptable address for an owner or Agent.

B. The Agent shall be authorized to accept for service of process and receive notices and demands, as well as performing the obligations of the owner under this ordinance and under rental agreements with the occupants.

C. No permit for a rental unit shall be issued to an Owner who is not a resident in Allegheny County unless such Owner provides the Borough with the name, address, telephone number and email address of an appointed Agent.

D. If the name, address, or telephone number of the Agent changes during the course of any calendar year, it is the responsibility of the Owner, responsible party or Agent for the same to contact the Borough within fifteen (15) calendar days of the occurrence of such change and advise the Borough in writing of those changes.

E. The designation of an Agent shall not be valid unless signed by both the Owner and the Agent.

Section 5. Rental Permit Required

A. It shall be unlawful for any owner to lease, rent, occupy, or otherwise allow any rental unit in the Borough of Castle Shannon to be occupied, unless a Rental Permit has been issued by the Borough.

B. A rental permit shall not be issued or renewed until:

1. All overdue real estate taxes and water, sewage and other outstanding fees that are owed to the Borough of Castle Shannon for the subject property have been paid in full.
2. The owner has provided the required Initial and/or Annual Rental Unit Occupancy Registration Statement, including the appointment of an Agent, if required, and paid any required fee.
3. The rental unit has been inspected by the Code Official or his designee and has been deemed to be compliant with the Borough Property Maintenance Code and all applicable fire and safety codes.

C. The Rental Permit fee shall be established and revised by resolution of Borough Council.

Section 6. Inspections

A. By submitting an application for a Rental Permit, the Owner of a Rental Unit shall be deemed to have consented to an initial inspection by the Code Official or his designee. Upon inspection, if the Code Official determines that the rental unit complies with the Borough Property Maintenance Code and all other fire and safety codes and all fees have been paid, the Code Official shall issue to the applicant a Rental Permit.

B. Each rental unit is required to have a minimum of one inspection, including a fee. Periodic re-inspections may be required in the event that the Code Enforcement Officer determines that a sanitation, fire hazard, safety or public health concern requires such an inspection or in the investigation of complaints regarding the Rental Unit.

C. If a Rental Unit fails to comply with the provisions of the Borough Property Maintenance Code or other fire or safety code, the Code Official shall notify the applicant in writing of the deficiencies within ten (10) days of the inspection or as soon thereafter as possible. The owner shall be given thirty (30) days from the date of the notice to correct any deficiencies and to schedule a second inspection. If an inspection has not been scheduled within thirty (30) days, the Rental Permit shall not be issued or if previously issued shall be revoked. The

Code Official may extend the time period for correcting deficiencies as he may reasonably determine to be necessary based on the corrections needed.

D. If the Code Official is required to make additional inspections beyond the initial inspection and one repeat inspection as outlined in Subsection C above, then an additional fee shall be required for any such inspections. In no event shall the inspection process exceed one hundred twenty (120) days from the date of the initial inspection.

E. If an Owner or his Agent cannot be available for an inspection at a proposed or scheduled time, the Owner or Agent shall provide no less than twenty-four (24) hours written notice to the Code Official. Upon failure to give such written notice or if the Code Official is unable to gain entry for an inspection, an administrative fee will be assessed against the Owner failing to supply written notice or to appear.

F. 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 Rental Units must be in compliance with the Rental Unit Occupancy Registration requirements to meet this exemption.

Section 7. Revocation of Rental Permit

A. The Code Official is authorized to revoke a rental permit under the following conditions:

1. A Rental Unit has become noncompliant with the Borough Property Maintenance Code or other fire or safety code, and the Owner or Agent fails to remedy the violation within the time frame specified within the applicable code, or, if a written extension is received from the Code Official, fails to remedy the violation within the time frame specified in the extension document.
2. The Owner fails to provide all required documentation and pay all fees as required for Rental Unit Occupancy Registration.
3. Upon notification of overdue real estate taxes, water, sewage, or other outstanding fees that are owed to the Borough of Castle Shannon, the owner fails to pay in full said fees, or fails to enter into an authorized payment plan and meet the conditions set forth in said payment plan.

B. If a Rental Unit is occupied at the time that the Rental Permit for that Rental Unit is revoked, it shall be vacated within 30 days, and it shall remain

vacant until the rental permit is reinstated. If the Rental Unit is vacant at the time that the Rental Permit is revoked, it shall remain vacant until the Rental Permit is reinstated.

C. Procedure for revocation of rental permit; appeals.

1. If the Code Official finds, upon inspection, one of the following Borough Property Maintenance Code violations, and the owner or agent fails to remedy the violation within the time frame specified within the applicable code, then the rental permit shall be revoked, and the rental unit shall be declared unfit for human habitation and ordered vacant and shall remain vacant until the violation is abated.
 - a. Unsafe structures and equipment, Section 108.
 - b. Rodent harborage, Section 302.5.
 - c. Roofs and drainage, Section 304.7.
 - d. Windows, skylights, and door frames, Section 304.13.
 - e. Building security, Section 304.18.
 - f. Ventilation, Section 403.
 - g. Occupancy limitations, Section 404.
 - h. Required facilities, Section 502.
 - i. Plumbing system hazards, Section 504.3
 - j. Heating facilities, Section 602.
 - k. Electrical system hazards, Section 604.3.
 - l. Means of egress, Section 702.
 - m. Fire protection systems, Section 704.
2. If the Code Official determines a Rental Unit to be noncompliant with any provision outlined in this Section and said violation has not been remedied within thirty (30) days, then the Code Official has the option to issue a thirty-day warning notice. The thirty-day warning shall be delivered by certified mail, return receipt requested and by regular mail.
3. If after thirty (30) days from the mailing of the thirty-day warning notice, a reinspection reveals that all violations have not been corrected, the Rental Permit shall be revoked.
4. Any Owner whose Rental Permit has been revoked or whose application for a Rental Unit permit has been denied may appeal within twenty (20) days, after paying the applicable fee, to the Rental Property Board of Appeals. Borough Council shall, by resolution, establish a Rental Unit Board of Appeals.
5. If the Owner is attempting in good faith to correct violations but is unable to do so within the time specified in the notice, the Owner may

request such additional time as may be needed to complete correction work, which request shall not be unreasonably withheld.

D. Criteria for applying revocation sanctions: The Code Official, when recommending or revoking a Rental Permit as an appropriate sanction shall consider the following:

1. The effect of the violation on the health, safety and welfare of the occupants of the rental unit.
2. The effect of the violation on the neighborhood.
3. Whether the Owner has prior violations of this ordinance and other ordinances of the Borough or has received notices of violations as provided for in this ordinance.
4. Whether the Owner has been previously subject to sanctions under this ordinance.
5. The effect of sanctions against the Owner 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.

E. Reinstatement of Rental Permit. No revoked Rental Permit shall be reinstated until all violations and deficiencies have been remedied and the rental unit has been re-inspected by the Code Official. A fee to reinstate a revoked Rental Permit shall be established by Borough Council.

Section 8. Insurance.

A. All Owners of rental property shall be required to obtain and maintain at all times general liability insurance and hazard and casualty insurance in a minimum amount of \$100,000 per occurrence/\$300,000 aggregate. In the event of any fire or loss covered by the insurance, the proceeds of any policy of insurance shall be utilized to cause the repair or demolition of the property in accordance with all applicable Borough ordinances.

B. All owners shall be required to place their insurance company name, policy number and policy expiration date on their Rental Unit Occupancy Registration form, or in the alternative, to provide the Borough with a copy of a certificate of insurance evidencing the maintenance of the required insurance coverage. A Rental Unit Occupancy Registration statement shall not be complete unless required insurance information is provided to the Borough.

Section 9. Violations; Penalties

A. It shall be unlawful for any Owner to commit or to permit any person to commit any of the following acts:

1. Failure to submit a complete Rental Unit Occupancy Registration statement as required by this ordinance.
2. Refusal to permit inspection of a Rental Unit as required by this ordinance.
3. Failure to vacate a unit that is deemed by the Code Official to be unfit for human habitation under the provisions outlined in this ordinance or the Borough's Property Maintenance Code.
4. Operation of an illegal Rental Unit for which a valid Rental Unit Occupancy Registration has not been submitted to the Borough or a Rental Permit has not been issued or cannot be issued because said Rental Unit was not legally constructed or is not permitted per the Borough Zoning Code.

B. The following penalties shall be assessed for violations of this ordinance:

1. Unlawful operation of a Rental Unit without a valid Rental Unit Occupancy Registration and Rental Permit shall constitute a summary offense punishable upon conviction thereof by a fine of not less than \$500 and not more than \$1,000, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. Each month the violation exists shall constitute a separate and distinct offense.
2. Upon failure to submit to the Borough a complete Rental Unit Occupancy Registration, the owner shall be issued a thirty-day (30) notice of violation. If, after 30 days from the issuance of the thirty-day (30) notice of violation, the applicant fails to register the unit and to pay in full the applicable fees, the Owner shall be charged with a summary offense punishable upon conviction thereof by a fine of not less than \$500 and not more than \$1,000, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. Each month the violation exists shall constitute a separate and distinct offense.
3. Any Owner who violates any other provision of this ordinance shall, upon first or second conviction, be fined not less than \$500 and not more than \$1,000, plus court costs and reasonable attorney fees

incurred by the Borough in the enforcement proceedings. For the third and subsequent violations, upon conviction, the Owner will be fined not less than \$1,000 and not more than \$2,000, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. Each day the violation continues shall constitute a separate and distinct offense.

C. The remedies and procedures provided in this ordinance for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough, whether or not such other code or ordinance is referenced in this ordinance and whether or not an ongoing violation of such other code or ordinance is cited as the underlying grounds for a finding of a violation of this ordinance.

Section 10. Implementation

A. The Borough Manager shall take such action as is necessary to implement the requirements of this Ordinance. The Borough Manager may appoint the Borough's Code Official or such other employee or agent of the Borough to enforce provisions of this ordinance and receive any required registration statement.

B. All fees referenced in this ordinance shall be established and may be revised from time to time by resolution of Borough Council.

Section 11. Severability

The terms, provisions and applications of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions of applications of this ordinance. The remaining provisions and/or applications of this ordinance shall remain in full force and effect without the invalid provision or application.

Section 12. Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 13. Effective Date

This ordinance shall be in full force and effect on and after January 28, 2019.

ORDAINED AND ENACTED by the Council of the Borough of Castle Shannon
on this 28th day of January, 2019.

ATTEST

BOROUGH OF CASTLE SHANNON

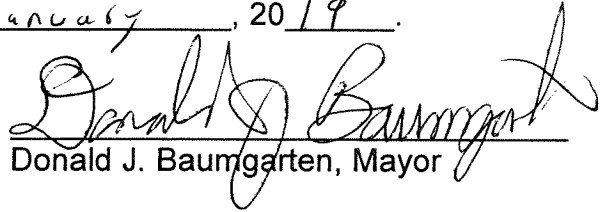


Thomas C. Hartswick
Borough Manager/Secretary



Mark Heckmann
President of Council

Examined and Approved this 28th day of January, 2019.



Donald J. Baumgarten, Mayor