

ORDINANCE NO. 15-04

ADOPTED JULY 12, 2015

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, REGULATING THE RESPONSIBILITY OF RENTAL PROPERTY COMPLIANCE WITH THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA AND LOCAL ORDINANCES; PROVIDING FOR A SYSTEM OF INSPECTIONS, THE ISSUANCE AND RENEWAL OF OCCUPANCY LICENSES AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.

I. GENERAL

A. Purpose/Scope/Declaration of Policy and Findings/Short Title.

1. It is the purpose of this Ordinance and policy of the Jeannette City Council, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of Owners and Occupants relating to the rental of certain dwelling units in the City of Jeannette and to encourage Owners and Occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the City for Owners, Managers and Occupants of rental properties to share responsibility for obeying the various Codes adopted for the protection of the public health, safety, welfare and well-being. As a means to those ends, this Ordinance provides for a system of inspections, the issuance and renewal of occupancy licenses and sets penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

2. In considering the adoption of this Ordinance, the Jeannette City Council makes the following findings:

a. There is a greater incidence of violations of various City Ordinances on residential properties where Owners do not reside in the City and rent such property to unrelated individuals than at Owner-occupied residential properties or family-occupied residential rental properties.

b. There is a greater incident of decline in the maintenance and upkeep of residential properties where Owners do not reside in the City and rent such property to

individuals than at Owner-occupied residential properties or family-occupied residential rental properties.

c. This is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where Owners rent to unrelated individuals than at Owner-occupied residential properties or family-occupied residential rental properties.

3. The short title of this Ordinance is, and this Ordinance shall be hereafter known as, the “City of Jeannette Regulated Rental Unit Occupancy Ordinance.”

B. Definitions.

1. **CITY** – The City of Jeannette, Westmoreland County, Pennsylvania.

2. **CITY MANAGER** – The individual or firm appointed by City Council to serve as City Manager and any staff of such City Manager’s Office and/or Department within the City.

3. **CODE** – Any CODE or ordinance adopted, enacted, and/or in effect in and for The City of Jeannette concerning fitness for habitation or relating to the construction, maintenance, repair, operation, occupancy, use or appearance of any PREMISES or DWELLING UNIT, AS SAME MAY EXIST ON THE DATE THIS ORDINANCE BECOMES EFFECTIVE, OR AS SAME MAY BE AMENDED FROM TIME TO TIME, OR AS MAY BE HEREAFTER ENACTED BY THE CITY OF JEANNETTE RELATING TO SAME, including but not limited to any version of the International Property Maintenance Code adopted by the City.

4. **CODE ENFORCEMENT OFFICER** – The duly appointed CODE ENFORCEMENT OFFICER(S) having charge of the Office of Code Enforcement of The City of Jeannette, and any assistants or deputies thereof, including but not limited to, any City of Jeannette Firefighter or Fire Marshall.

5. **COMMON AREA** – In MULTIPLE UNIT DWELLINGS, space which is not part of a REGULATED RENTAL UNIT and which is shared with other OCCUPANTS of the DWELLING whether they reside in REGULATED DWELLING UNITS or not. COMMON AREAS shall be considered as part of the PREMISES for purposes of this Ordinance.

6. **CORRECTIVE ACTION PLAN** - Any report prepared by a property owner which shall set forth a plan to remedy property violations.

7. **DWELLING** – A building having one or more DWELLING UNITS.

8. **DWELLING UNIT** – A room or group of rooms within a DWELLING, forming a single unit and used for living and sleeping purposes, having its own cooking facilities, and a bathroom with a toilet and a bathtub or shower.

9. **GUEST** – Any PERSON on the PREMISES with the actual or implied consent of an OCCUPANT.

10. **LANDLORD** – Any corporation, partnership, entity or one or more PERSONS, jointly or severally, vested with all or part of the legal title to the PREMISES, or all or part of the beneficial ownership and a right to present use and enjoyment of the PREMISES, including a mortgage holder in possession of a REGULATED RENTAL UNIT. (See also “OWNER”).

11. **MANAGER** – An adult individual designated by the OWNER of a REGULATED RENTAL UNIT. The MANAGER shall be the agent of the OWNER for a service or process and receiving notices or demands and to perform the obligations of the OWNER under this Ordinance and under RENTAL AGREEMENTS with OCCUPANTS.

12. **MULTIPLE UNIT DWELLING** - A building containing two (2) or more independent DWELLING UNITS, including, but not limited to, a duplex, row houses, town houses, condominiums, apartment buildings, and conversion apartments.

13. **OCCUPANCY LICENSE** – The License issued to the OWNER of a REGULATED RENTAL UNIT under this Ordinance, which is required for the lawful rental and occupancy of REGULATED RENTAL UNITS.

14. **OCCUPANT** – An individual who resides in a REGULATED 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 written lease, oral lease, installment land sale agreement, agreement of sale, other oral or written agreement or understanding of any kind or by the laws of the Commonwealth of Pennsylvania.

15. **OWNER** – Any corporation, partnership, entity or one or more PERSONS, jointly or severally, in whom is vested all or part of the legal title to the PREMISES, or all or part of the beneficial Ownership and a right to present use and enjoyment of the PREMISES, including a mortgage holder in possession of a REGULATED RENTAL UNIT.

16. **OCCUPIED DWELLING UNIT** – A DWELLING UNIT in which the OWNER resides on a regular or permanent basis.

17. **PERSON** – A natural PERSON, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

18. **PREMISES** – 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 REGULATED RENTAL UNITS is located.

19. **REGULATED RENTAL UNIT** – A DWELLING UNIT occupied by one (1) or more related and/or unrelated PERSONS under a RENTAL AGREEMENT.

20. **RENTAL AGREEMENT** – Any agreement by and between the OWNER and TENANT of a property, established by a written agreement or lease or understanding, regardless of whether there is a signed lease or consideration, which allows for a TENANT to reside on the PREMISES of such OWNER.

21. **TENANT** – An individual who resides in a REGULATED 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 written agreement or lease or understanding, or by the laws of the Commonwealth of Pennsylvania. (See also ‘‘OCCUPANT’’)

22. **UNRELATED** – Of or pertaining to a PERSON, or two (2) or more PERSONS, not related to one another through blood to the level of second cousins, adoption or marriage.

II. OWNER’S DUTIES

A. General.

1. It shall be the duty of every OWNER to keep and maintain all REGULATED RENTAL UNITS in compliance with all applicable Codes and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good safe condition.

2. As provided for in this Ordinance, every OWNER shall be responsible for regulating the proper and lawful use and maintenance of every DWELLING which he, she or it owns. As provided for in this Ordinance, every OWNER shall also be responsible for regulating the conduct and activities of the OCCUPANTS of every REGULATED RENTAL UNIT which he, she or it owns in the City, consistent with the terms of this Ordinance, when such conduct or activity takes place at such REGULATED RENTAL UNIT or upon its PREMISES.

3. In order to achieve those ends, every OWNER of a REGULATED RENTAL UNIT shall be responsible for the conduct and activity of the OCCUPANTS thereof, both contractually and through enforcement, as more fully set forth below.

4. This Section shall not be construed as diminishing or relieving, in any way, the responsibility of OCCUPANTS or their GUESTS for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any OWNER of any responsibility or liability which OCCUPANTS or their GUESTS may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an OWNER to indemnify or defend OCCUPANTS or their GUESTS when any such action or proceeding is brought against the OCCUPANT based upon the OCCUPANT'S conduct or activity. Nothing herein is intended to impose any additional civil or criminal liability upon OWNERS other than that which is imposed by existing law.

5. This Ordinance shall not be deemed or construed to limit any other enforcement remedies which may be available to the CITY against an OWNER, OCCUPANT, or GUEST thereof.

B. Designation of Manager.

1. Every OWNER who is not a full-time resident residing within twenty-five (25) miles of the geo-political boundaries of the CITY shall designate a MANAGER who resides within twenty five (25) miles of the geopolitical boundaries of the CITY. If the OWNER is a corporation, a MANAGER shall be required if an officer of the corporation does not reside in the aforesaid area. Such officer shall perform the same function as a manager. If the OWNER is a partnership, a MANAGER shall be required if a partner does not reside in the aforesaid area. Such partner shall perform the same function as a MANAGER. The MANAGER shall be the agent of the OWNER for purposes of service of process, receiving notices and demands and for performing the obligations of the OWNER under this Ordinance and under RENTAL AGREEMENTS with OCCUPANTS. The identity, address and telephone number(s) of a PERSON who is designated as MANAGER hereunder shall be provided by OWNER or MANAGER to the CITY, and such information shall be kept current and updated as it changes.

C. Disclosure.

1. The OWNER or MANAGER shall disclose to the OCCUPANT in writing on or before the commencement of the tenancy: a). the name, address and telephone number of the MANAGER; if applicable; and b). the name, address and telephone number of the OWNER of the PREMISES.

2. Before an OCCUPANT initially enters into or renews a RENTAL AGREEMENT for a REGULATED RENTAL UNIT, the OWNER or MANAGER shall furnish the OCCUPANT with a copy of the most recent code inspection report relating to the property.

D. Maintenance of Premises.

1. The OWNER shall maintain the PREMISES in compliance with the applicable CODES and Ordinances of the CITY, together with all applicable laws of the Commonwealth of Pennsylvania and shall regularly perform all routine maintenance, including but not limited to, lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to comply with same.

2. The OWNER and OCCUPANT may agree that the OCCUPANT is to perform specified repairs, maintenance tasks, alterations, or remodeling. In no case shall the existence of any agreement between OWNER and OCCUPANT relieve an OWNER of any responsibility under this Ordinance or other Ordinances or Codes for the maintenance of PREMISES.

E. Notice of Change in Occupants or Persons.

All OWNERS or MANAGERS must notify the CITY MANAGER when a unit has experienced a change in OCCUPANTS and /or PERSONS. Notification shall be provided consistent with this Ordinance.

F. Notice of Extended Vacancy.

All Owner Occupied Dwelling Units of Regulated Rental Units and Owner/Manager Dwelling Units of Regulated Rental Units must notify the CITY MANAGER when a unit is going to be vacant for a period exceeding three (3) months, due to matters including, but not limited to, vacation, renovation or the inability to locate an acceptable tenant. Notification shall be provided consistent with this Ordinance and consistent with the requirements of any other Ordinance of the CITY regulating vacant properties.

G. Common Areas.

Where an OWNER does not regulate the use of COMMON AREAS or the behavior of OCCUPANTS and/or GUESTS in the COMMON AREAS, the OWNER shall be deemed directly responsible for the behavior of OCCUPANTS and GUESTS in the COMMON AREA as if the OWNER were an OCCUPANT.

H. Enforcement.

1. Within ten (10) days after receipt of written notice from the CITY MANAGER or CODE ENFORCEMENT OFFICER that an OCCUPANT of a REGULATED RENTAL UNIT has violated a provision of this Ordinance, the OWNER shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

2. Within twenty (20) days after receipt of a notice of violation, the OWNER shall file with the CITY MANAGER a report, on a form provided by the CITY, 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 CITY MANAGER and CODE ENFORCEMENT OFFICER shall review the report with the Jeannette City Council and, if adequate steps have been taken and the plan is adequate to address future violations, the Council may approve the plan. The OWNER shall, on his or her initiative, enforce the plan. The failure to do so shall be a violation of this Ordinance.

4. In the event that a second violation occurs within a license year involving the same OCCUPANT or OCCUPANTS, the Jeannette City Council may direct the OWNER to evict the OCCUPANTS who violated this Ordinance and to not permit the OCCUPANTS to occupy the PREMISES during the subsequent licensing period.

I. Code Violations.

Upon receiving notice of any Code violations from the CITY MANGER or CODE ENFORCEMENT OFFICER, the OWNER shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

J. Inspections by the CITY.

The OWNER shall permit inspections of any PREMISES by the CODE ENFORCEMENT OFFICER at reasonable times upon reasonable notice.

III. OCCUPANT DUTIES.

A. General.

The OCCUPANT shall comply with all obligations imposed upon OCCUPANTS by this Ordinance, all applicable Codes and Ordinances of the CITY and all applicable provisions of state law.

B. Peaceful Enjoyment.

All OCCUPANTS shall conduct themselves and require other PERSONS, including, but not limited to, GUESTS on the PREMISES and within their REGULATED 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, nor disturb the peaceful enjoyment of adjacent or nearby DWELLINGS by the PERSONS occupying same.

C. 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.

D. Damage to Premises.

The OCCUPANT shall not intentionally cause, nor permit nor tolerate others to cause, damage to the PREMISES. Conduct resulting in damage in excess of \$500.00 shall be a violation of this Ordinance.

IV. LICENSES AND INSPECTION

A. License Requirement.

1. Prior to the entry into a RENTAL AGREEMENT or permitting the occupancy of any REGULATED RENTAL UNIT the OWNER of every such REGULATED RENTAL UNIT shall be required to apply for and obtain a License for each REGULATED RENTAL UNIT.

2. A License shall be required for all REGULATED RENTAL UNITS.

3. A License shall not be required for MULTIPLE-UNIT DWELLINGS, however, a License shall be required for each REGULATED RENTAL UNIT existing within the MULTIPLE-UNIT DWELLING structure. The foregoing notwithstanding, all provisions of this Ordinance shall apply to the COMMON AREAS of the structure.

4. The application for the License shall be in a form as determined by the CITY.

5. The OWNER shall maintain a current list of OCCUPANTS in each REGULATED DWELLING UNIT which shall include their name, permanent address and permanent telephone number. The OWNER shall furnish the list to the CITY MANGER upon request and shall notify the CITY MANAGER of any changes in the number of OCCUPANTS so that revisions can be made to the License.

B. Annual License Term, Fee and Occupancy Limit.

1. Each License shall have a two-year term running from the date of issuance of such License through the second anniversary of such License date.

2. Upon application for a License and prior to issuance or renewal thereof, each applicant shall pay to the CITY an annual License and Inspection Fee, in an amount to be established from time to time by Resolution of the Jeannette City Council. Such Resolution may provide for more than one fee scale for different categories of PREMISES, as defined in such Resolution. Such Resolution shall also provide for the manner in which the initial Licensing of REGULATED RENTAL UNITS under this Ordinance will be administered.

3. The License shall indicate thereon the maximum number of OCCUPANTS in each REGULATED RENTAL UNIT.

C. Inspection.

1. All PREMISES shall be subject to inspection every two years by the CODE ENFORCEMENT OFFICER or another duly authorized agent for the CITY. Such inspection may take place when an application is submitted for a License, or at any time during the year.

2. Any PREMISES shall be subject to an inspection upon the change in OCCUPANT(S) or PERSON(S). In the event this inspection occurs during any existing Occupancy License period, the inspection shall be performed without the charge of an Inspection Fee. Failure by any OWNER or MANAGER to voluntarily notify the City of Jeannette of a change in OCCUPANT(S) or

PERSON(S) shall be a violation of this Ordinance and shall result in the charge of an Inspection Fee and other available Penalties and Fees.

3. The CODE ENFORCEMENT OFFICER is hereby designated as the official authorized to enforce this Ordinance and to take appropriate measures to abate violations hereof, for and on behalf of The City of Jeannette.

4. This section shall not be construed so as to limit or restrict the CODE ENFORCEMENT OFFICER'S authority to conduct inspections of PREMISES, whether or not subject to the permitting and inspection requirements of this Ordinance, pursuant to any other ordinance or Code.

D. Search Warrant.

In the event the CODE ENFORCEMENT OFFICER is denied access to a PREMISES following request, upon a showing of probable cause that a violation of this Ordinance or any other Ordinance of The City of Jeannette has occurred, or upon a showing that such CODE ENFORCEMENT OFFICER is otherwise entitled under the laws of the Commonwealth of Pennsylvania to the issuance of a warrant, the CODE ENFORCEMENT OFFICER may apply to the District Justice having jurisdiction in The City of Jeannette for a search warrant to enter and inspect the PREMISES, or to obtain from the OWNER and/or MANAGER of the PREMISES any such evidence that a violation of this Ordinance has occurred or is occurring.

E. 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 CITY MANGER or CODE ENFORCEMENT OFFICER within ten (10) days shall serve such notice on the OWNER, MANAGER, and/or OCCUPANT by regular U.S. Mail. The CITY MANAGER or CODE ENFORCEMENT OFFICER shall also post the notice at a conspicuous place on the PREMISES.
- b. If service cannot be accomplished after a ten (10) day period, then the notice may be sent to the OWNER or MANAGER at the address 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 (5) days of its deposit in the U.S. 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 U.S. mail, and all time periods set forth under Section 1 above, shall thereupon be calculated from said fifth day.

V. VIOLATIONS AND PENALTIES

A. VIOLATIONS.

It shall be unlawful for any PERSON, as either OWNER or MANAGER of a REGULATED RENTAL UNIT for which a License is required, to operate without a valid, current License issued by the CITY authorizing such operation. It shall also be unlawful for any PERSON, either OWNER or MANAGER, to allow the number of OCCUPANTS of a REGULATED RENTAL UNIT to exceed the maximum limit as set forth on the License, or to violate or fail to otherwise comply with any CORRECTIVE ACTION PLAN or any other term or provision of this Ordinance. It shall also be unlawful for any PERSON, either OWNER or MANAGER, to allow a change in the OCCUPANT(S) or PERSON(S) without immediately notifying the City of Jeannette. IT SHALL BE UNLAWFUL FOR ANY OCCUPANT TO VIOLATE ANY TERM OR PROVISION OF THIS ORDINANCE.

B. Penalties.

Any violation of this Ordinance shall constitute a summary offence punishable, upon conviction thereof by a District Justice, by a fine not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) Dollars plus costs of prosecution or, in default of payment of such fine and costs, by a term of imprisonment not to exceed thirty (30) days for each offense. Each day a violation continues shall constitute a separate and distinct offense without the necessity of filing a separate citation.

C. All Remedies Cumulative.

The penalty provisions of this Article and the License renewal, non-renewal, suspension and revocation procedures provided in this Ordinance shall be independent, separate and cumulative remedies, all of which shall be available to the CITY as may be deemed appropriate for carrying out of the purposes of this Ordinance. 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 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 Ordinance 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 Ordinance. The penalty provisions and remedies contained in this Ordinance are intended to be cumulative. Nothing in this Ordinance shall be

deemed or construed to prevent the CITY from engaging in any other remedies to which it may be entitled, at law, in equity or otherwise.

D. Appeal

A decision of the Code Enforcement Officer to deny a permit may be appealed to the Jeannette City Council by appearing at a regular public meeting and stating the objection. Council will have 30 days to render a decision. If no decision is made, the determination of the Code Enforcement Officer is upheld.

VI. MISCELLANEOUS PROVISIONS

A. Notices.

1. For purposes of this Ordinance, any notice required hereunder to be given to a MANAGER shall be deemed as notice given to the OWNER.

2. There shall be a rebuttable presumption that any notice required to be given to the OWNER under this Ordinance shall have been received by such OWNER if the notice was given to the OWNER in the manner provide by this Ordinance.

3. A claimed lack of knowledge by the OWNER of any violation hereunder cited shall be no defense to License non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

B. Changes in Ownership Occupancy.

It shall be the duty of each OWNER of a REGULATED RENTAL UNIT to notify the CITY MANAGER in writing of any change in Ownership of the PREMISES or of the number of REGULATED RENTAL UNITS on the PREMISES. It shall also be the duty of the OWNER to notify the CITY MANAGER in writing of any increase in the number of OCCUPANTS in any REGULATED RENTAL UNIT or of the changing of a DWELLING UNIT from OWNER-OCCUPIED to NONOWNER-OCCUPIED, which thereby transforms the DWELLING into a REGULATED RENTAL UNIT for purposes of this Ordinance.

C. Owners Severally Responsible.

If any REGULATED RENTAL UNIT is owned by more than one PERSON, in any form of joint tenancy, in partnership, or otherwise, each PERSON shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance, and may be jointly and/or severally subject to prosecution for the violation of this Ordinance.

D. 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.

E. Repealer.

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

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 12TH DAY OF JULY, 2015, AND SHALL TAKE EFFECT IMMEDIATELY.

THE CITY OF JEANNETTE

By: /s/ Richard R. Jacobelli
Richard R. Jacobelli, Mayor

ATTEST:

/s/ Michael L. Nestico
Michael L. Nestico, City Manager