

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2021- 04

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 15-04, KNOWN AS THE CITY OF JEANNETTE REGULATED RENTAL UNIT OCCUPANCY ORDINANCE BY DELETING AND MODIFYING PORTIONS OF SUCH ORDINANCE RELATING TO NOTICES; REQUIRING CARBON MONOXIDE AND SMOKE DETECTORS; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jeannette has determined that violations relating to the failure to obtain a regulated rental unit license or permit must be immediately addressed; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Jeannette with the power “to prohibit and abate public nuisances;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Jeannette with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures. (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs.”

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Fayette County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Deletion of Article IV, Section E. Article IV, Section E is hereby deleted in its entirety.

Section 2. Addition to Article VI, Section A. Article VI, Section A is hereby amended to add a new subsection 4 and a new subsection 5, which shall read, in their entirety, as follows:

4. No notice of violation shall be required to be sent to the OWNER, MANAGER, or OCCUPANT of any REGULATED RENTAL UNIT or PREMISES for the violation or failure to obtain a REGULATED RENTAL UNIT license or inspection or to adhere to or abide by any occupancy limit, MANAGER designation requirement, change of OCCUPANT(S) or PERSON(S) notification requirement, extended vacancy notification requirement, or CORRECTIVE ACTION PLAN, as such violations shall

constitute immediate violations affecting public health and safety for which a citation may be immediately issued by the CODE ENFORCEMENT OFFICER.

5. Any notice expressly required by this Ordinance to be sent to the OWNER or MANAGER, if applicable, for a violation of any PREMISES maintenance requirement or a Code violation shall be sent to the OWNER and MANAGER, if applicable, consistent with the terms of the applicable maintenance ordinance or Code. If the applicable maintenance ordinance or Code does not contain notice requirements, such notice shall be sent 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. 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 above, shall thereupon be calculated from said fifth day.

Section 3. Carbon Monoxide Detector Requirement. Article II is hereby amended to add a new Section K, which shall read, in its entirety, as follows:

K. Carbon Monoxide Detector Requirement.

The OWNER shall install and maintain in good working order in each REGULATED RENTAL UNIT at least one electrical or battery carbon monoxide detector. No OWNER, MANAGER, OCCUPANT, or PERSON shall disable, obstruct, tamper with, remove, disarm, disengage, or otherwise render inoperable any carbon monoxide detector in any REGULATED RENTAL UNIT.

Section 4. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 5. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

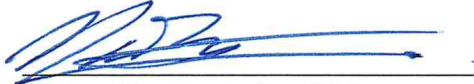
Section 6. Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 12th day of August, 2021.

CITY OF JEANNETTE

By: Curtis J. Antoniak
Curtis J. Antoniak
Mayor and President of Council

ATTEST: (SEAL)


Nathan Benjamin Jay Bish
City Clerk