

**BOROUGH OF KOPPEL
BEAVER COUNTY, PENNSYLVANIA
ORDINANCE NO. 01-06**

BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Koppel, Beaver County, Pennsylvania and it is hereby enacted and ordained by the authority of the same follows:

WHEREAS, the Borough of Koppel desires to protect and promote the public health, safety, and welfare of its citizens, and to establish rights and obligations of owners and occupants relating to non-owner occupied dwelling units in the Borough of Koppel;

WHEREAS, the Borough of Koppel desires to encourage owners and occupants to maintain and improve the quality of non-owner occupied housing within the community;

WHEREAS, the Borough of Koppel desires to provide for a systematic inspection program, registration and licensing of non-owner occupied dwelling units, and penalties;

WHEREAS, the Borough of Koppel recognizes that there is a growing concern in the community with the general decline in the physical condition of non-owner occupied dwelling units;

WHEREAS, the Borough records indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties which are not owner-occupied as compared to those that are owner-occupied;

WHEREAS, the Borough records indicate there are a greater number of disturbances and unpaid utilities at non-owner occupied dwelling units than at other properties; and

WHEREAS, the Borough records indicate that violations of the various codes are generally less severe at owner-occupied units as compared to non-owner occupied dwelling units.

NOW THEREFORE, BE IT ENACTED AND/OR ORDAINED by the Council of the Borough of Koppel, Beaver County, Pennsylvania, that:

Section 1. Definitions.

As used in this Ordinance, the following words and phrases shall have the meanings specified:

Borough - Borough of Koppel, Beaver County, Pennsylvania

Disruptive Conduct - Any form of conduct, action, incident, or behavior, perpetrated, caused, or permitted by any occupant or visitor of a non-owner occupied dwelling unit that is so loud, untimely (as to time of day), offensive, riotous, or that otherwise disturbs, or may cause to disturb, other persons of reasonable sensibility of their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a public officer complaining of such action, conduct, incident, or behavior. It is not necessary that such action, conduct, 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 such action or conduct shall not be deemed to have occurred unless a public officer shall investigate and make a determination that such action or conduct did

occur and make a record of such occurrence.

Disruptive Conduct Report – A written report of disruptive conduct on prescribed form to be completed by a public officer who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Officer of Code Enforcement.

Dwelling – A building having one or more dwelling units.

Dwelling Unit – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Guest – A person on the premises with the actual or implied consent of an occupant.

License (Non-Owner Occupied Dwelling Units) – A document issued by the Borough of Koppel to the owner of a non-owner occupied dwelling unit, granting permission to operate such non-owner occupied dwelling unit within the Borough. Such license is required for the lawful rental and occupancy of dwelling units under this Ordinance. This license does not warrant the proper zoning, habitability, safety, or condition of the dwelling unit in any way.

Non-Owner Occupied Dwelling Unit – Any dwelling unit that is rented, leased, let out, or otherwise permitted to be occupied by a person (s) other than the owner. Vacant dwelling units are classified as non-owner occupied dwelling units and as such are regulated by this Ordinance. A non-owner occupied dwelling unit includes dwelling units under lease purchase agreements, long-term lease agreements of sale, land contracts and other such agreements.

Occupant – An individual who resides in a non-owner occupied dwelling unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania.

Owner – All corporations, partnerships, limited liability companies or partnerships, entities, shareholders, and/or all persons, jointly or severally, in whom is vested all or part of the legal title to the premises, including, but not limited to, a mortgage holder in possession of a dwelling unit.

Owner-Occupied Dwelling Unit – A dwelling unit in which the owner resides on a regular, permanent basis.

Public Officer – An officer of the Borough of Koppel Police Department, or any other law enforcement agency having jurisdiction within the Borough of Koppel, or the Code Enforcement Officer and/or his/her agents.

Utility – A municipally provided service or commodity to include electric, water, garbage, sewer and/ or natural gas.

Section 2. Owner Duties.

It shall be the duty of every owner, operator, responsible agent, or manager to keep and maintain all non-owner occupied dwelling units in compliance with all applicable codes and provisions of all applicable state laws and regulations and local ordinances, and keep such property in good and safe condition and to be aware of and to act to eliminate disruptive conduct in such non-owner occupied either as owner, operator, responsible agent, or manager any non-owner occupied dwelling unit within the Borough of Koppel without having the dwelling registered and licensed, as required by this Article. It shall be the responsibility of every owner, operator, responsible agent, or manager to display the issued license in the non-owner occupied dwelling.

The license shall include the following information:

- a. The name, mailing address, and telephone number of the owner, operator, responsible agent, or manager.
- b. The evenings on which garbage and recycling are to be placed curbside for collection.
- c. The telephone number to call to register complaints regarding physical condition of the non-owner occupied dwelling unit.
- d. The telephone number for emergency police, fire, and medical services.
- e. The date of the expiration of the license.

Section 3. Occupant Duties.

The occupant (s) shall comply with all obligations imposed unto by this Ordinance and all applicable codes and ordinances of the Borough of Koppel, as well as all State laws and regulations. The occupant (s) shall conduct themselves and require other persons, including but not limited to, guests on the premises and within their non-owner dwelling unit with their 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 people occupying the same. The occupant (s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the non-owner occupied dwelling unit or engage in disruptive conduct, or other violations of this Ordinance, Borough codes, or applicable State laws.

Section 4. Disruptive Conduct.

- A. A Public officer shall investigate alleged incidents of disruptive conduct. The officer shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein.
- B. The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form.
- C. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent, or manager within ten (10) working days of the occurrence of the alleged disruptive conduct.
- D. After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant documented by disruptive conduct reports, the owner, operator, responsible agent, or manger shall have ten (10) working days from the date of his/her receiving the notice of the third such disruptive conduct incident to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the occupancy license. The non-owner occupied dwelling unit involved shall not have its license reinstated until the disruptive occupants have been evicted, the District Magistrate has ruled in the occupant's favor, the District Magistrate has ruled in the owner's favor but has not ordered the eviction of the occupant (s), or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not re-occupy any non-owner occupied dwelling unit on the same premises involved for a period of at least one (1) year from date of eviction.
- E. The content of the disruptive conduct report shall count against all occupants of the non-owner occupied dwelling unit involved in the disruptive conduct.

Section 5. Exempt Units.

All non-owner occupied dwelling units which are condemned as uninhabitable for human occupancy or

dwelling units which are being renovated, for which a legal and current building permit has been issued, shall be exempt from the registration and licensing provisions of this Ordinance, until such time as the dwelling unit is declared habitable or the building renovations are complete, respectively.

Section 6. Registration and Licensing.

- A. By January 1 of each year, including and following the passage of this Ordinance, the owner, operator, responsible agent, or manager of each non-owner occupied dwelling unit shall register such dwelling unit and apply for the applicable license to operate such dwelling unit with the Borough of Koppel.
- B. A license shall be issued if the owner or operator of the non-owner occupied by dwelling unit pays the registration fee, submits a complete and accurate occupant listing, by dwelling unit. However, a license shall not be issued if owner or operator of the non-owner unit does not submit a complete and accurate occupant listing and/or does not correct a code violation provision of this ordinance, as described above.
- C. A license shall be revoked if the owner or operator of a non-owner occupied dwelling unit does not pay the registration fee, is not current on water and sewer fees for the dwelling unit, does not submit a complete and accurate occupant listing, does not correct a code violation found and cited by a public officer, and/or has not complied with the disruptive conduct provision of this ordinance, as described above.
- D. A license shall be reinstated if the owner or operator of a non-owner occupied dwelling unit corrects the reason for the revocation of the license.

Section 6A. Utilities.

- A. Landlords Responsible for Utility Bills. Every property owner shall be responsible for any utility charges or fees left unpaid by any tenant of the premises served by a municipal utility. However, when an occupant is delinquent more than thirty days, the owner shall not be liable for sums due for more than thirty days of service so long as owner accepts service of the notice to terminate services from the Borough whereby Borough will terminate services to property within five (5) days of the return of service of the notice upon the owner. Further, where the landlord or property owner fails to pay the utility charges, the city may refuse to provide any service to the property with the delinquent charge even in the name of a subsequent tenant or new owner of the property.
- B. Delinquent accounts. When a tenant is delinquent in payment for thirty days, the Borough shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.
- C. Penalty; Severability; Effective Date. This ordinance shall be in full force and effect upon its passage and approval, except that landlords will not be liable for unpaid delinquent utility bills

incurred before the effective date of this ordinance, unless the utility customer remains a tenant of the landlord for thirty days past the effective date of this ordinance. If at thirty days the owner has not made payment in full of the unpaid utility bill, all municipal utilities shall be terminated within five (5) days in accordance with the notice of termination as set forth in section 6A (B) above and the grant of the license as referenced herein is a waiver of any and all defenses and a stipulation of a consent to judgment by the landowner for a judgment equal to the amount of the unpaid utility bill against the property being serviced, with all defenses by the landowner and the tenant being waived hereby. Moreover, during the time period from the notice of delinquency (30) to termination a \$50.00 per day fine shall be assessed against the landowner until termination or payment in full, whichever is sooner, with said total of fine to included with the lien amount described above with all attorneys fees and court costs.

Section 7. Inspections.

- A. The public officer responsible for the building and housing safety, and/or his/her agent (s), shall have the right to inspect each non-owner occupied at least once on or before the anniversary of the initial licensing following the filing of the non-owner occupied dwelling unit registration.

These periodic inspections shall occur notwithstanding more frequent inspections, which may be required in the investigation of complaints regarding the dwelling unit.

- B. If the public officer, upon completion of the inspection, finds that the applicable codes have not been met, a notice of violation shall be issued, as prescribed in the Borough ordinances.

Section 8. Appeals.

Any person aggrieved by any decision of a public officer may appeal to the Borough of Koppel Board of Appeals in accordance with local regulations or ordinances.

Section 9. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 10. Fees.

The fees for the annual registration and licensing for all non-owner occupied dwelling units shall be set by a resolution adopted by the Borough Council.

Section 11. Penalties.

- A. Any person who shall violate a provision of this Ordinance, or fail to comply therewith, or with any requirements thereof, shall be prosecuted within the limits provided by the Commonwealth and local laws.
- B. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- C. A fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars \$(1,000.00) shall be imposed for each offense.

Section 12. Repeater. All Ordinances or parts of Ordinances inconsistent herewith be and same are hereby repealed.

Section 13. Effective Date. The provision of this Ordinance shall be effective upon the adoption of this Ordinance. enacted on this 21 Day of NOV. .2006

ATTEST

Patricia Maguire
Borough Secretary

Michael P. Chord
President of Council