

BOROUGH OF FOREST CITY ORDINANCE #493

An Ordinance regarding the regulation of Residential Rental Units within the Borough of Forest City.

SECTION 1. PURPOSE:

It is the purpose of this Ordinance and the policy of the Council of the Borough of Forest City, in order to protect and promote the public health, safety and welfare of its citizens to establish rights and obligations of Owners and Tenants relating to residential rental units in the Borough of Forest City and to encourage Owners and Tenants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that Owners and Tenants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance provides for a system of residential rental registration and permits and sets penalties for violations. This Ordinance shall be liberally construed and applies to promote its purposes and policies.

In considering the adoption of this Chapter, the Borough Council of the Borough of Forest City makes the following findings:

- A. The Borough has experienced problems with the maintenance, safety and welfare of residential rental properties.
- B. The health, safety and welfare of Tenants of rental units within the Borough would be enhanced by a system of residential rental unit licensing, insuring compliance of the Codes governing the maintenance of existing structures.

SECTION 2. APPOINTMENT AND DUTIES OF CODE ENFORCEMENT OFFICER:

The Borough Code Enforcement Officer or such other qualified individual or firm appointed by the Borough Council shall administer this Ordinance in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough.

SECTION 3. DEFINITIONS:

3.1 General. As used in this Section, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

Borough: The Borough of Forest City, Susquehanna County Pennsylvania and/or any duly authorized agent or representative of the Borough of Forest City.

Code: Any Code or Ordinance adopted or in effect in and for the Borough of Forest City, as amended from time to time.

Code Enforcement Officer: The officer, individual or firm appointed by the Borough of Forest City who is charged with administration of this Ordinance or any duly authorized representative of said officer individual or firm.

Owner: The legal or beneficial holder of title to a residential unit.

Residential Rental Unit: Any residential unit occupied by a person other than the Owner.

Residential Unit: Any structurally enclosed area including or intending to include sleeping facilities.

Residential Rental Registration and Permit: A document issued for a fee by the Borough of Forest City to the Owner(s) of residential unit evidencing the existence of said residential rental unit upon application by Owner to the Borough of Forest City and the passing of the requisite inspections.

Tenants: Any person, corporation, partnership or other entity who rents, occupies or leases a residential rental unit they do not own for more than thirty (30) consecutive days.

SECTION 4. INITIAL REPORT:

Within thirty days (30) from the effective date of this Ordinance, each Owner of a residential rental unit shall submit to the Borough Secretary, a report form supplied by the Borough Secretary, which includes the following information:

1. A list of the Residential Rental Units owned by the Owner located within the Borough of Forest City limits, whether occupied or not occupied.
2. Address of each Residential Rental Unit.
3. Brief description of each Residential Rental Unit (i.e., number and types of rooms, number of floors, and number of entrances/exits).
4. Whether or not said Residential Rental Unit is inhabited or utilized by Tenants at the time of the report.
5. Names of the Tenant(s) utilizing the aforementioned Residential Rental Unit, if any. Names of the Tenant(s) utilizing the aforementioned Residential Rental Unit, if any. (If a Tenant(s) request(s) anonymity due to concerns that the revealing of their name(s) could place their safety and that of their family in jeopardy, than in that case only, just the number of Tenant(s) occupying the rental unit may be disclosed).
6. Number of available on site parking spaces for each Residential Rental Unit.

SECTION 5. NEW OWNER'S INITIAL REPORT:

After the effective date of this Ordinance, any person who becomes an Owner of any parcel of real estate or any improvement on real estate or a building located in the Borough of Forest City by Agreement of Sale, Deed, or by any other mean, shall within thirty (30) days thereafter, report to the Borough Secretary the information and date as set forth in Section 4 above on forms to be provided by the Borough Secretary.

SECTION 6. REPORT OF CHANGE IN OCCUPANCY:

After the effective date of this Ordinance, each and every Owner of a Residential Rental Unit within the Borough of Forest City shall report to the Borough Secretary on a report form supplied by the Borough Secretary, any change in the use of occupancy of any Residential Rental Unit owned by such Owner, or change of occupancy of any Residential Rental Unit located on property owned by any Owner within the Borough of Forest City. The reported change shall include the name or names of new Tenants of such Residential Rental Unit, the date when the change was effected, and the forwarding address of the old Tenant or Tenants if known. (If a Tenant(s) request(s) anonymity due to concerns that the revealing of their name(s) could place their safety and that of their family in jeopardy, than in that case only, just the number of Tenant(s) occupying the rental unit may be disclosed).

Any Owner of a hotel, inn, bed and breakfast or boarding house shall not be required to report a person as a Tenants until that person has resided in such Owner's establishment for period exceeding thirty (30) days.

In the event that a Residential Rental Unit was used or utilized by a Tenant(s) and then becomes vacant, this change shall also be reported to the Borough Secretary by certified mail. All reports in this section shall be made within ten (10) days after Owner has knowledge that such unit has had a change in occupancy or has become vacant.

SECTION 7. OWNER(S) DUTIES:

It shall be the duty of every Owner to keep and maintain all regulated rental units and premises in compliance with applicable codes and provisions of all other applicable laws and regulations and local ordinances and to keep said property in a good and safe condition. Every Owner shall be responsible for regulation the proper and lawful use of said property.

Within thirty (30) days from the effective date of this Ordinance, each Owner of Residential Rental Property shall submit to the Borough Secretary, a fully executed Residential Rental Unit Registration and Permit for each Residential Rental Unit along with a registration fee as set forth in Section 9 below. The Residential Rental Unit permit fee shall be paid for each Residential Rental Unit to the Borough Secretary in the form of a check made payable to the Borough of Forest City. Said fees and registration forms may be brought to the Borough Secretary at Borough of Forest City Office or mailed to P.O. Box 63, Forest City PA 18421.

SECTION 8. INSPECTION OF RESIDENTIAL RENTAL UNITS:

Upon the submission of a Residential Rental Registration application and fee, the Code Enforcement Officer for the Borough of Forest City along with the Forest City Fire Marshall, if necessary, shall perform an inspection of said Residential Rental Unit prior to an issuance of a permit by the Borough. A time and date for said inspection shall be established by the Code Enforcement Officer. The Owner or Tenant shall permit inspections of any premises by the Code Enforcement Officer or duly authorized agent at reasonable times upon reasonable notice. If any rental property requires more than one inspection because of the Owners failure to cure and code violations, the landlord shall pay an additional fee equal to the original fee as set forth in Section 9 below for the cost of each additional inspection. Upon passage of inspection; the Borough shall issue a Residential Rental Permit for the unit.

SECTION 9. FEE:

The fee for a Residential Rental Permit shall be set by the Borough Council at its discretion. Initially, the Forest City Borough Council sets the sum of Sixty Dollars and No Cents (\$60.00) as the fee for each application for a permit. The Forest City Borough is empowered to change these fees by resolution passed by a majority of members of the Forest City Borough Council.

SECTION 10. PERMIT REQUIREMENT:

It shall be unlawful for any person, firm or business entity to conduct or operate or cause to be rented either as Owner within the Borough any Residential Rental Unit without first having obtained a permit to do so as hereafter provided. All dwelling units for rent must meet the International Property Maintenance and Existing Building Code/2009 as amended. Any code violations shall be remedied within a time period to be set by the Code Enforcement Officer. Should any code violation(s) be a threat to the health and or safety of the Tenant(s) within the Residential Rental Unit or should the structure an/or equipment be condemnable pursuant to International Property Maintenance and Existing Building Code: *Section 108.1 through 108.2* the unit shall be declared uninhabitable and the Tenant(s) shall have to evict from said premises until said code violation(s) are corrected and all repairs made. If any code violations not related to the health or safety are not remedied within the time limit give by the Code Enforcement Officer, the Code Enforcement Officer can declare the Residential Rental Unit uninhabitable until the code violations are cured and to remove the Tenant(s) from the Residential Dwelling Unit, however, if the un-remedied code violations were not within the control of the Owner, the Code Enforcement Officer may grant an extension to the Owner allowing him time to rectify violations.

SECTION: 11. COMPLIANCE

A. Once a residential rental unit has passed inspection and the owner has been granted a permit by the Borough of Forest City for that unit, no further inspections will be required of the residential rental unit until either:

1. A change in the ownership of the residential rental unit takes place; or
2. a change in the tenants of the residential rental unit; or
3. reported or observed code violations are reported to the Borough of Forest City regarding a residential rental unit.

B. Once a residential rental unit has passed inspection and the owner has been granted a permit by the Borough of Forest City for that unit, no further permit renewals will be required of the Owner of the residential rental unit until either:

1. A change in the ownership of the residential rental unit takes place; or
2. a change in the tenants of the residential rental unit; or
3. reported or observed code violations are reported to the Borough of Forest City regarding a residential rental unit.

Nothing in this section shall be interpreted to diminish or restrict any powers of the Borough of Forest City, through its Code Enforcement Officer or other duly appointed person or entity, from inspecting a residential rental unit pursuant to any other duly adopted ordinance.

SECTION 12. DESIGNATION OF AGENT:

It shall be unlawful for any residential property, including all rental properties to be owned or operated by any person residing outside the Borough of Forest City, Pennsylvania, unless such owner or operator provides to the Code Enforcement Officer - the name, address and twenty-four hour telephone number of a designated responsible agent. Such information shall be kept current and updated as it changes.

Every Owner who is not a full time resident of the Borough of Forest City or elsewhere in an area that is not within a twenty (20) mile radius of the Borough of Forest City shall designate an Agent who shall reside in the Borough or in an area that is within a twenty (20) mile radius of the Borough. If the Owner is a business entity, an Agent shall be required if an officer of the business does not reside within the aforesaid area. The owner and/or agent must also provide a written verification as to an address and providing of a post office box will not be sufficient as evidence of residency. Designation of a responsible agent shall authorize the agent to receive and accept notices and communications necessary or deemed appropriate by the Code Enforcement Officer under the terms of all laws of the Borough of Forest City, including but not limited to each chapter of the Borough Code, the Zoning Code, the Property Maintenance Code and this Ordinance, relative to the property in which said agent is designated. The Agent shall be authorized by the Owner to receive service of process, notices and demands, as well as perform the obligations of the Owner under this Ordinance. The identity, address and telephone number of the person who is designated as Agent shall be provided by the Owner or Agent to the Borough of Forest City

SECTION 13. RECORDS:

The Code Enforcement Officer shall be required to keep a record of every application, inspection performed and permit issued in the Borough of Forest City.

SECTION 14. FAILURE TO COMPLY- RIGHT TO APPEAL:

Any person owning any property within the Borough of Forest City which is rented to one or more persons for residential purposes who willfully or negligently fails to submit Tenant(s) lists as required by this ordinance, shall be liable for, in addition to any other penalties herein provided, such sums as would have been billed by the Borough if such Tenant(s) list had been provided less any sums actually received from such Tenants for the fiscal year for which the list was not provided; as well as attorney fees and costs to prosecute said Owner.

If an Owner fails to remedy any code violations within the time allotted by the Code Enforcement Officer, a rental permit shall be denied to said Owner for that particular Residential Rental Unit. Any Owner who has been denied a permit may within twenty (20) days of said denial appeal the Code Enforcement Officer's decision to the Forest City Borough Zoning Board. Should the Owner not agree with a decision issued by the Code Enforcement Appeals Board, the Owner can appeal said decision to the Susquehanna County Court of Common Pleas.

SECTION 15. TENANT'S DUTIES:

Tenants shall comply with all applicable codes and ordinances of the Borough of Forest City.

1. **Inspection of Premises.** The Tenants shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with an Owner's approval at any reasonable time.

SECTION 16. VIOLATIONS AND PENALTIES

1. It shall be unlawful for any person as either Owner of a regulated rental unit for which a permit is required to operate without a valid current permit issued by the Borough authorizing such operation. It shall be unlawful for any Owner or Tenant to violate this Ordinance.
2. Any Owner found to operating a residential rental unit without an effective rental permit shall be subject to a fine in the amount of one-hundred dollars and no cents (\$100.00) a day for every day the owner is found to be operating the residential rental unit without a permit issued by the Borough of Forest City.
3. Any person violating any of the other provisions of this ordinance shall be subject to a fine of fifty dollars and no cents (\$50.00) for a first offense, one hundred dollars and no cents (\$100.00) for second offense and one hundred fifty dollars and no cents (\$150.00) for each offense thereafter.
4. In addition to the above fines, any person who shall be found guilty of violating any of the provisions of this Ordinance, shall pay, in addition to any fees, costs or penalties ordered by the Court, to the Borough of Forest City any related costs

incurred by the Borough, together with the costs of prosecution, including, but not limited to, attorney's fees, filing costs and cost of prosecution.

SECTION 17. Severability:

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains workable minus the invalid portion.

SECTION 18. Repeal of Conflicting Ordinances:

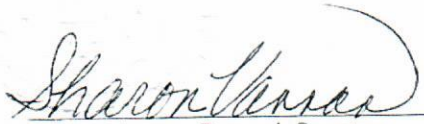
All existing Ordinances of the Borough of Forest City or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed; specifically Ordinance No.: 463.

SECTION 19. Effective Date:

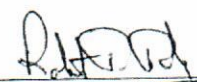
This Ordinance shall take effect immediately upon its enactment and as otherwise provided by law.

Ordained and Enacted this the 4th day of November, 2013 by the Borough of Forest City in regular meeting assembled.

Attest:


Sharon Vannan, Borough Secretary

Approved:


Robert Trusky, President of Council


Nicholas Cost, Mayor