

**BOROUGH OF NORTH APOLLO**

**ORDINANCE NO. 327 OF 2017**

**AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COUNTY OF ARMSTRONG AND COMMONWEALTH OF PENNSYLVANIA ESTABLISHING MINIMUM REGULATIONS FOR ALL RESIDENTIAL RENTAL PROPERTIES WITHIN THE BOROUGH.**

**WHEREAS**, the Council of the Borough of North Apollo deems it important to protect the residents of the Borough of North Apollo who may lease real estate by insuring that the leased property complies with the applicable Codes and Ordinances and that the Council of the Borough of North Apollo further deems advisable that the Enforcement Officer for the Borough of North Apollo be given the responsibility to inspect the leased premises and to insure that all Codes are being complied with by the lessor thereof;

**WHEREAS**, in furtherance of the Council's intentions to protect residents who may lease residential real estate, Council hereby adopts an Ordinance regarding the following:

1. The condition and maintenance of all residential rental properties;
2. The standard for utilities and facilities for the purpose of insuring overall safety;
3. Establishing an inspection form for all residential rental properties;
4. Establishing a required rental licensing form based upon a successful rental inspection;
5. Establishing rules and policies for existing structure;
6. Designating the Enforcement Officer as the primary enforcement, servicing and managing of said program;
7. Establishing the Borough Secretary as the collector of fees and fines and establishing the Enforcement Officer as the issuer of the rental license;

8. Establishing a fee structure;
9. Empowering all Borough Departments the fee use of information necessary to fulfill their mission;
10. Establishing penalties for non-compliance of both landlords and tenants; and
11. Excluding owners of hotels or inns.

**WHEREAS**, it is the desire of the Borough of North Apollo to protect the quality, density and location of residential dwelling units and to require a greater control of rental occupancies to better effect the public health, safety and welfare;

**WHEREAS**, the Borough has an obligation to insure proper collection of per capita taxes, income taxes, authority billing and all other Borough or Authority assessed fees and taxes;

**WHEREAS**, the Borough deems it appropriate to reserve the right to periodically review all aspects of this Ordinance and revise as they deem necessary including any fees established herein by resolution.

**NOW THEREFORE**, be it **ORDAINED AND ENACTED** by the Council of the Borough of North Apollo, County of Armstrong and Commonwealth of Pennsylvania, as follows:

## **SECTION I**

### **DEFINITIONS**

The following words, when used in this Ordinance, shall have the meanings as set forth in this Section:

A. ***Borough.*** The Borough of North Apollo, County of Armstrong and Commonwealth of Pennsylvania.

B. ***Enforcement Officer.*** The Officer or Agent, as designated by the Council of North Apollo Borough who is charged with the administration and enforcement of any code to be enforced within the Borough of North Apollo under any governing statute or Ordinance which may apply or any duly authorized representative of the Agent or Officer. The Officer, or any duly authorized representative, shall have all authority necessary to enforce the provisions of this Ordinance including instituting summary citation proceedings.

C. ***Inspection Certificate.*** Certificate, issued by the Borough of North Apollo, to an Owner, Lessor or Residential Realty Property Manager certifying that the property complies with the adopted property codes of the Borough of North Apollo as those codes may be amended and subsequently adopted from time to time.

D. **Owner.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property, or any agent acting on behalf of any such person or entity; or recorded in the official records of the County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person and the executor or administrator of the estate of such person if ordered to take possession of the real property by a court or, in the case of an estate, through the grant of appropriate letters of administration to act.

E. **Premises.** A lot, plot or parcel of land including the building or structures thereon.

F. **Structure.** That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open-grate steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on or in the ground.

G. **Tenant.** Any natural person or entity who is a named party or signatory to a lease or rental agreement and who occupies resides or has a legal right to possess and use the individual rental unit.

## SECTION II

### REGULATIONS REGARDING LICENSING AND INSPECTION

1. A rental agreement license is required and an occupancy inspection and permit is also required before any new tenant will be allowed to rent, dwell or occupy in any fashion, a rental unit. Issuance of the occupancy permit shall certify that all procedures, policies and protocols are fulfilled through the Enforcement Officer.

2. The occupancy permit is contingent upon the successful inspection by the Enforcement Officer of each rental unit and the same shall be based upon a standardized checklist. A copy of the standardized checklist is attached hereto and made a part hereof as Appendix A and may be amended from time to time by the Enforcement Officer to comply with updates or amendments to applicable state, federal and local codes, laws or ordinances governing property maintenance or any matter which may be covered under the Uniform Construction Code or its amendments thereto.

3. At least ten (10) business days prior to the intended date of occupancy the owner shall notify the Enforcement Officer of the owner's intent to rent the units in question and the owner shall make the property available to the Enforcement Officer at the designated hours available for code enforcement within the Borough of North Apollo through the Enforcement Officer or his agent for an inspection to be conducted. At the time of the request, the owner shall submit an occupancy agreement request form, which can be obtained through the Office of the Borough Secretary for completion, said form to be completed and returned along with the requisite fee. Said occupancy permit request form must be received prior to or concurrently with

the request for inspection services under the time guidelines set forth in this Ordinance. A copy of the rental license request form is attached hereto and marked as Appendix B.

4. Following the inspection, the owner will be provided with a written list of deficiencies in the form of the completed rental inspection checklist (Appendix A). The owner will then have thirty (30) days from the date of inspection to correct the deficiencies to the requirements. The Officer may grant an extension based upon the magnitude of the deficiencies to be corrected.

5. In the event that the property owner does not comply with the necessary improvements within the thirty (30) day period, occupancy requests for said property shall not be granted. The Enforcement Officer shall not unreasonably deny requests for extension. During the inspection process, as set forth in this provision, the property shall not be occupied. In the event that the property is occupied, without an appropriate permit/license, the Borough shall be authorized to file a citation with the local magistrate and upon conviction thereof, the magistrate shall impose a fine of not less than Twenty-five Dollars (\$25.00) and not more than Three Hundred Dollars (\$300.00) per violation and shall order the property to be vacated by the tenants pending completion of the inspection process and issuance of the occupancy permit for the premises. Each day shall constitute a separate violation under this provision and under this Ordinance for any violation hereunder.

6. No license shall be issued if smoke detectors are lacking in the structure or if an insufficient number of detectors are present or if the same are inoperable. It shall further be the responsibility of the owner to supply certification to the Enforcement Officer by completion of the required smoke detector certification form, on or within ten (10) days after the 120<sup>th</sup> day after the issuance of the rental agreement license and each and every 120 day period thereafter if the same tenant remains in the structure, to certify the following:

- a. That the landlord has inspected the interior of the premises for the presence of the requisite amount of smoke detectors;
- b. That the landlord certifies that the requisite number of smoke detectors remains in place or have been appropriately installed;
- c. That all smoke detectors are in working order and have been tested by the landlord;
- d. That the landlord certifies that fresh batteries have been installed in the smoke detectors unless the same are directly electrically wired and said smoke detectors do not require batteries nor do they require the present abilities of any tenant to plug into an outlet said detector for it to be operable;
- e. Should said certification not be forthcoming within the time limit prescribed under this Ordinance as noted on the rental license request, the landlord does certify that they shall

permit entry without further notice into the rental property following the tenth (10<sup>th</sup>) day after the expiration of the inspection certification time limitation to conduct an inspection of the smoke detectors in the subject premises as the same is a health, safety, and welfare issue not only to the residents of the rental unit, but also due to the close proximity of homes in North Apollo Borough and given the age of the homes and the nature of the construction of the homes which is of primarily wood framing, the inspection for smoke detectors serves an immediate health, safety and welfare purpose and allows for prompt response in the event of fire.

7. In the event that the owner rents, allows the dwelling to be occupied with or without the payment of any amounts to be considered as rent, or in any circumstance where the licensed tenant shall no longer be the primary resident of the structure, without going through the application and inspection process, the citation process set forth in Paragraph 5 above, shall apply. Each day shall be a separate violation if the property is occupied.

8. An application shall be failed for any inspection deficiency as well as any incomplete or missing information pertaining either to the owner or the prospective tenant. All information must be accurate to the best of the landlord's knowledge, information and belief at the time of the application process.

9. All tenant and landlord information requested must be provided at the time of the application on the application form and any such information may be used for any purpose by any Borough entity deemed appropriate by Borough Council.

10. All owners of property intended for rental or currently rented must inform the Enforcement Officer within thirty (30) days of the enactment of this Ordinance and on or before February 1<sup>st</sup> of each subsequent year that the property in question is intended for rental or currently rented. Further, all new acquisitions throughout the year must be reported to the Enforcement Officer within ten (10) days after the property real estate settlement closing. Failure to comply with the notice requirements shall be interpreted as an attempt to bypass the procedures of this Ordinance and shall cause a citation to be issued to the owner with the fine in an amount up to Three Hundred Dollars (\$300.00). Further, should any owner furnish false information to the Borough or should any owner or tenant use a false name, false address or any false information on any application, said individual shall be individually subject to citation with a fine of up to Three Hundred Dollars (\$300.00) per application.

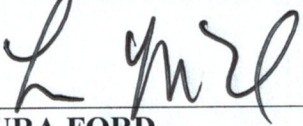
11. There shall be no fee for filing an application for registration of a rental property and obtaining a rental license for the property. The fee for an inspection shall be established at a rate of Sixty Dollars (\$60.00) per inspection and the property shall be inspected each time the property is to be rented to a new tenant, regardless of the number of times that the same exposed for rental. This fee shall be subject to amendment, from time to time hereafter, by resolution of the Council of the Borough of North Apollo.

12. This Ordinance is not intended to be an all encompassing Ordinance due to the complexity and the standard as identified in the International Property Maintenance Code and, if applicable, the Uniform Construction Code and in the event that a subject topic was not explicitly addressed, the procedure will default to the guidelines of the most current adopted provisions of the International Property Maintenance Code or the applicable provisions of the Uniform Construction Code.

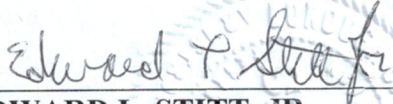
13. Repealer. Any Ordinance or any provision in conflict with any provision of this Ordinance is hereby repealed.

THIS ORDINANCE BEING ORDAINED AND ENACTED THIS 3RD DAY OF APRIL, 2017.

**BOROUGH OF NORTH APOLLO**

BY:   
**LAURA FORD**  
Council President

ATTEST:

 (SEAL)  
**EDWARD L. STITT, JR.,**  
Borough Secretary

APPROVED:

  
**JOHN DURANDETTO, Mayor**