

**ORDINANCE
NO. 103**

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING THE CIRCUMSTANCES, CRITERIA AND PROCEDURES FOR RESIDENTIAL RENTAL HOUSING REGISTRATION AND MAINTENANCE, INCLUDING RIGHTS AND REMEDIES FOR VIOLATIONS OF THE ORDINANCE, FINES AND PENALTIES.

BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Huntingdon as follows:

§ 1. Purposes and findings.

- A. Purposes. This chapter is intended to serve the following purposes:
- (1) To assist South Huntingdon Township ("Township") in protecting and promoting the public health, safety and welfare of its citizens;
 - (2) To establish rights and obligations of owners and occupants relating to the rental of certain residential units in the Township and to seek that such units are properly maintained by the owner, its property manager and occupants;
 - (3) To ensure that owners, property managers and occupants share responsibilities to comply with Codes, to prevent overcrowding, and to avoid nuisances for neighboring residents; and establish penalties for violations.
- B. Findings. In considering the adoption of this chapter, South Huntingdon Township makes the following findings:
- (1) This chapter is pursuant to the authority granted by the Pennsylvania Second Class Township Code.
 - (2) There is a greater likelihood of violations of various Township ordinances at rental residential properties than at owner-occupied residential properties, which may impact the health safety and

welfare of the citizens of this Township who reside within rental residential properties.

- (3) There is greater difficulty in monitoring the maintenance and upkeep of rental residential properties than owner-occupied residential properties without a system to insure the proper maintenance and occupancy of such units. There is a greater drain on Township resources resulting from increased incidence of disturbance of the peace and quiet of the neighborhood in which rental residential properties are located.
- (4) A systematic registration process can assist in protecting the health, safety and welfare of those citizens who reside in rental residential properties and the Township at large and reduce the amount of resources which must be expended to insure that rental communities become an asset of Township rather than a liability.

§ 2. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicated otherwise:

BUSINESS DAYS - Days in which the Township is open to the public for business.

CODE or ORDINANCE - Any code or ordinance adopted, enacted, and/or in effect in the Township.

COMMON AREA - In multiunit buildings, space which is not part of an individual regulated rental unit and which is shared among occupants of the dwellings. Common areas shall be considered as part of the premises for purposes of this chapter.

DWELLING - A building which includes one or more dwelling unit(s).

DWELLING UNIT - A residential living area for one household that is used for living and sleeping purposes, which has its own cooking facilities, a bathroom with a toilet and bathtub and/or shower.

MANAGER/OWNER'S AGENT - An adult individual designated by the owner of a regulated rental unit under this chapter who is responsible for the day to day maintenance, upkeep, and leasing of a regulated rental unit. The manager shall be the agent of the owner for all purposes under this chapter.

MULTIUNIT BUILDING - A building containing two or more dwelling units.

TOWNSHIP ENFORCEMENT OFFICIAL - The individual, duly appointed by the Township with the responsibility of enforcing this chapter, any assistants or deputies thereof and any other Code Enforcement Officer of the Township.

TOWNSHIP – South Huntingdon Township.

OCCUPANT - An individual who resides in a regulated rental unit.

OWNER - One or more person(s), corporation, partnership, or limited liability company, who jointly or severally, have legal title to a regulated rental unit, dwelling unit or building.

OWNER-OCCUPIED DWELLING UNIT - A dwelling unit which is occupied by at least one owner.

PERSON – A person, unincorporated association, limited partnership, trust, or any other entity.

PREMISES - Any parcel of real property in the Township, including the land and all buildings and structures located thereon, on which one or more regulated rental units is located.

REGULATED RENTAL UNIT or UNIT - A dwelling unit or rooming house unit that is used for residential purposes and that is not an owner-occupied dwelling unit or otherwise exempted by this chapter.

RENTAL AGREEMENT - An agreement written or otherwise between owner and tenant/occupant.

ROOMING HOUSE UNIT - A living unit that does not meet the definition of a dwelling unit, but which serves as either temporary or permanent living quarters for an occupant/tenant.

TENANT - An occupant of a regulated rental unit with whom a legal relationship with the owner is established by a lease or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.

§ 3. Property owner's duties.

A. General.

- (1) It shall be the duty of every property owner to notify the Township when a regulated rental unit becomes vacant.
- (2) It shall be the duty of every property owner to keep and maintain the premises and each regulated rental unit in a good, clean, and safe condition and in compliance with all applicable Codes and Ordinances of the Township and the Commonwealth of Pennsylvania.

B. Designation of property manager/property owner's agent.

- (1) The property owner may designate a person to serve as property manager of all units owned (hereinafter "owner's agent"). The owner's agent shall have the authority to act on

behalf of the property owner. The owner's agent shall be the agent of the property owner for service of process and receiving of notices and demands, as well as for performing the obligations of the property owner under this chapter and under rental agreements with occupants. The legal name, mailing address, daytime physical address (not a post office box), and daytime and evening telephone number(s) of the owner's agent shall be provided in writing to the Township by the property owner and such information shall be kept current and updated within five business days after it changes.

C. Maintenance of premises.

- (1) The property owner, owner's agent, and/or occupant shall keep and maintain the premises in compliance with all applicable Codes and Ordinances of South Huntingdon Township and all applicable Commonwealth laws and shall keep the premises in good, clean, and safe condition including all routine maintenance, lawn mowing, ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
- (2) The property owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling if such responsibilities are established in writing. If the occupant is unable or unwilling to comply with or perform the required responsibilities or meet the requirements of this chapter, then the property owner shall be held responsible by the Township for all required repairs.
- (3) The existence of an agreement between the property owner and the occupant shall not relieve the property owner of any responsibility under this chapter for proper repair and maintenance of a building or premises. common areas. The property owner shall be responsible for ensuring that the common areas and the premises are in compliance with all applicable Municipal ordinances.

D. Violations.

- (1) Upon receiving notice of any violations of this chapter from the Township Enforcement Official, the property owner shall take necessary action, or cause such action to be taken, to eliminate the violation within 10 days of the date listed on the Notice.

4. Occupant's duties.

- A. General. The occupant shall comply with all obligations imposed by

this chapter, all applicable Codes and Township Ordinances and such applicable provisions of federal or Commonwealth law.

- B. Health regulations. Occupants shall collect and dispose of all rubbish, garbage, and other waste in a clean and sanitary manner, and dispose of same in such manner as may be designated by owner or owner's agent.
- C. Inspection of premises. Owner or owner's agent shall permit inspections by a Township Enforcement Official of the premises between 6:00 a.m. to 6:00 p.m. Monday through Friday.

§ 5. Registration.

A. Registration requirement.

- (1) A regulated rental unit shall not be occupied/re-occupied until:
 - (a) The owner has provided information concerning an owner's agent, if applicable.
- (2) The following shall not be considered regulated rental units for the purposes of this chapter:
 - (a) Owner-occupied dwelling units.
 - (b) Hotels and motels used for transient visitors to the area, but without units that serve the same purposes as rooming house units.
 - (c) Hospitals and state-licensed nursing homes and personal care homes.
 - (d) One dwelling unit that is on the same lot as a second dwelling unit, provided the two dwellings are only occupied by the owner and persons who are related by blood to the owner.
 - (e) Units owned by the Township or County Housing Authority. Dwelling units that are owned by the Township or County Housing Authority of the Township shall be exempted from the requirements of this chapter.

B. Registration fees. The registration fees for regulated rental units are as follows:

- (1) The owner shall pay a Five Hundred Dollar (\$500.00) fee to the Township which will be held by the Township in a non-interest bearing

account. The owner at no time, shall be permitted to have a balance of less than \$500.00 in the Owner's Registration Account. Upon providing certification of sale of the property to the Township, the Township will return the balance in the owner's registration account.

- (2) Upon 10 days written notice of an ordinance violation to the owner or the owner's registered agent, the Township may use any portion necessary from the registration account to bring the property in compliance with all Township ordinances. Within 10 days of finishing all work or action necessary to bring the property into compliance with all Township ordinances, the Township shall provide the owner or his registered agent a statement of costs.
- (3) Within 10 days of the date of the statement of costs, the owner or registered agent of the owner will submit the necessary funds to bring the Owners' Registration Account back to a balance of \$500.00.
- (4) Everyday, after the 10 days the owner has to bring the balance in the Owner's Registration Account back to \$500.00, that the balance in the Owner's Registration Account remains below \$500.00, is a separate violation of this ordinance.
- (5) This ordinance shall not be construed as to limit the Township Enforcement Official's authority to conduct inspections or enforcement actions under other applicable Township ordinances or to require that a property be made available for inspection whenever there is a complaint or probable cause that a violation of a Municipal ordinance may be present.

§ 6. Regulated rental unit occupancy and violations.

- A. A Township Enforcement Official may deny the ability to occupy/ reoccupy a regulated rental unit if there are outstanding violations of this chapter, including, but not limited to, the failure to notify the Township of a vacancy or change in occupancy, or violations of other applicable Township ordinances..
- B. A regulated rental unit shall remain in violation until the payment in full of all registration fees, fines and costs arising from outstanding fees or enforcement actions taken pursuant to this chapter.
- C. A Township Enforcement Official may deny the ability to occupy/ reoccupy a regulated rental unit if the name and contact information for the owner or owner's agent are no longer valid and were not

updated as required by this chapter.

D. Notice of violations. The Township Enforcement Official shall provide 10 days written notification of violations of the applicable Township ordinance(s) and require that they be corrected within that 10 day period.

(1) Notices of violations and/or denials of occupancy shall be sent to the owner, or owner's agent, if applicable, by regular mail. Any notice given to an owner's agent shall be deemed as notice given to the owner. A claimed lack of knowledge by the owner of any violation shall not be a defense to a violation, denial of occupancy, or an eviction order if notices involving such proceedings have been sent to the last known address of the owner or owner's agent and/or the owner's mailing address provided on the Westmoreland County Board of Assessment records.

§ 7. Violations and penalties.

A. Basis for violation. It shall be unlawful for any person, as either owner or owner's agent of a regulated rental unit, to permit the occupancy of a regulated rental unit without notifying the Township of the regulated rental unit's previous vacancy.

B. Penalties.

(1) Any person who shall violate a provision of this chapter, or should fail to comply therewith, or with any of the requirements thereof, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, shall be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, such person may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. If the penalty is not paid, the Township may initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this chapter in equity in the Court of Common Pleas of Westmoreland County.

- (2) In addition to the penalties set forth above, an owner or owner's agent may be required to evict or relocate an occupant of a regulated rental unit and, if warranted under this chapter, prohibit future occupation of the unit until such conditions are corrected.
- (3) Nonexclusive remedies. The penalty provisions of this chapter shall not limit the ability of the Township to enforce other Township ordinances and to utilize the penalties, remedies and procedures provided under such other Township ordinances and/or federal or Commonwealth laws.

§ 8. Miscellaneous provisions.

A. Changes in ownership/occupancy.

- (1) Each owner of a regulated rental unit shall notify the Township in writing within five business days after any change in ownership of the premises or of the number of regulated rental units on the premises, and to submit new contact information.
- (2) The owner shall notify the Township in writing within a maximum of five business days after the changing of a dwelling unit from owner-occupied to being a regulated rental unit for purposes of this chapter. Failure to so notify the Township shall be considered a violation of this chapter.

B. Owners separately responsible. If any regulated rental unit is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, each person shall be jointly and separately responsible for the duties imposed under the terms of this chapter and shall be separately subject to prosecution for the violation of this chapter.

§ 9. SEVERABILITY

The provisions of this ordinance are severable. If any sentence, clause, or section of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this ordinance. It is hereby declared to be the intent of the Board of Supervisors of South Huntingdon Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

§ 10. EFFECTIVE DATE

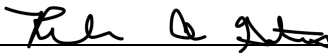
This ordinance shall become effective five (5) days after enactment.

§ 11. REPEALS

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed insofar as they may be inconsistent herewith.

ENACTED AND ORDAINED into law by the South Huntingdon Township Supervisors this 17th day of June, 2021.

Board of Supervisors of South Huntingdon Township

By : 
Richard Gates, Chairman

ATTEST:


Jamie Hribar, Township Secretary