

## ORDINANCE NO 1176

**AN ORDINANCE OF THE BOROUGH OF NEW BRIGHTON, BEAVER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE BOROUGH OF NEW BRIGHTON ADOPTED ON OCTOBER 21, 1982, BY ORDINANCE NO. 1065 AS AMENDED, ESTABLISHING THE LICENSING AND INSPECTION OF ALL RENTAL UNITS INCLUDING SINGLE AND MULTIPLE FAMILY DWELLINGS, BOARDING AND ROOMING HOUSES, INCLUDING MOTELS, HOTELS, AND BED AND BREAKFASTS.**

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

**Section 1.** That Chapter 5 of Ordinance No. 1065 is hereby amended to add the following:

### **PART 3 RENTAL UNITS**

**§301. Findings.** The Borough Council finds that:

- A. Owner occupied dwellings are historically and factually better maintained than tenant occupied units.
- B. In multi-family units, there are public areas, which must be maintained by the owner and not the tenants, such as hallways, pavements, heating, water, and sewage facilities, and structural items such as the roof, chimney, and walls.
- C. The Borough is charged with ensuring the welfare of its residents, owners, and tenants alike.
- D. Blighting can occur in neighborhoods as the result of delayed maintenance, deteriorated structures, and outmoded facilities.

**§302. Purpose.** The purpose of this part is to:

- A. Ensure the safety and well being of all Borough residents by establishing the following definitions, owner's duties, fee, registration and inspection requirements, and violations and penalties.

**§303. Definitions.** As used in this Part, the following words and phrases shall have the meanings specified:

Borough – Borough of New Brighton, Beaver County, Pennsylvania

Disruptive Conduct – Any form of conduct, action, incident, or behavior, perpetrated, caused, or permitted by any occupant or visitor of a regulated dwelling unit that is so loud, untimely (time of day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility of their peaceful enjoyment of their premises such that a report is made to police 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, shall be deemed to have occurred unless the police shall investigate and make a determination that such did occur and make a record of such occurrence.

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

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.

Illegal Activities – The occupant shall not engage in nor tolerate nor permit other on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code or the Controlled Substances, Drug, Device, and Cosmetic Act.

Multi-Family Dwelling – A building containing three (3) or more independent dwelling units, including, but not limited to, double houses, row houses, townhouses, condominiums, apartment houses, and conversion apartments.

Occupancy License – The license issued to the owner of regulated rental units under this Ordinance, which is required for the lawful rental and occupancy of regulated rental units.

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

Owner - One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including, but not limited to, a mortgage holder in possession of a regulated rental unit.

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

Peaceful Enjoyment – The occupant shall conduct him or herself and require other persons, including, but not limited to, guests on the premises and within her or her regulated rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.

Person – A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

Police – The New Brighton Area Police Department or any properly authorized member or officer

thereof, or any other law enforcement agency having jurisdiction within the Borough of New Brighton.

Premises – Any parcel of real property in the Borough of New Brighton, including the land and all buildings and appurtenant structures or appurtenant elements on which one or more regulated rental units is located.

Regulated Rental 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 regulated rental units.

Rental Agreement – An agreement, written or oral, between owner and occupant.

Residential Use – The occupant shall, unless otherwise permitted by applicable law, ordinance, or by the Borough of New Brighton, occupy or use his or her regulated rental unit for no other purpose than as a residence.

Single-Family Dwelling – A detached building containing one dwelling unit, designed and intended to be occupied by one family for living purposes.

Two-Family Dwelling – A detached building containing two dwelling units, each entirely separate from each other, designed and intended to be occupied for living purposes.

#### **§304. General**

- A. The provisions of this Part are not intended to, nor shall its effect be, to limit any other enforcement remedies, which may be available to the BOROUGH.

#### **§305. Owner's Duties.**

- A. It shall be the duty of every OWNER of every SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, and/or MULTI-FAMILY DWELLING, to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable state laws and regulations and local ordinances and to keep such property in good and safe condition.
- B. In no case shall the existence of any agreement between OWNER and OCCUPANT relieve an OWNER of any responsibility under this Chapter or other ordinances or codes for maintenance of PREMISES.
- C. Every OWNER shall be responsible for regulating the proper and lawful use and maintenance of every DWELLING which he, she, or it owns. As provided for in this Part, every OWNER shall also be responsible for regulating the conduct and activities of the occupants of every REGULATED RENTAL UNIT which he, she, or it owns in the BOROUGH.

- D. Following the effective date of this Ordinance, a summary of this Ordinance, shall be attached to each RENTAL AGREEMENT delivered by or on behalf of an OWNER when any such agreement is presented for signing to any OCCUPANT.

### **§306. Occupant's Duties.**

- A. The OCCUPANT of a DWELLING UNIT shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her REGULATED RENTAL UNIT for no other purpose than as a residence.
- B. The OCCUPANT of a DWELLING UNIT shall not engage in, nor tolerate or permit others on the PREMISES to engage in, DISRUPTIVE CONDUCT, or other violations of the Pennsylvania Crimes Code.

### **§307. Disruptive Conduct.**

- A. When POLICE investigate an alleged incident of DISRUPTIVE CONDUCT, the investigating officer shall complete a DISRUPTIVE CONDUCT REPORT, upon finding that the reported incident did, in his or her judgment, constitute DISRUPTIVE CONDUCT as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the DISRUPTIVE CONDUCT and all other obtainable information including the factual basis for the DISRUPTIVE CONDUCT requested on the prescribed form. Where the POLICE make such an investigation, said police officer shall then submit the completed DISRUPTIVE CONDUCT REPORT to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the DISRUPTIVE CONDUCT REPORT to the OWNER within three working days of the occurrence of the alleged DISRUPTIVE CONDUCT. The third occurrence of disruptive conduct within a one-year period will result in an automatic eviction.

### **§308. Registration & Inspection Requirements.**

- A. No PERSON, firm, or corporation owning, managing, conducting, or operating a DWELLING UNIT shall rent, lease, let out, or permit the same to be occupied without first securing an annual OCCUPANCY LICENSE for each occupied DWELLING UNIT issued pursuant to the provisions of this Chapter and other applicable ordinances and regulations enacted by the BOROUGH Council. In addition to the foregoing, an annual OCCUPANCY LICENSE is required for every vacant DWELLING UNIT.
- B. The Code Enforcement Officer and/or his agent(s) are hereby authorized and directed to process all applications for occupancy licenses and, prior to the issuance of the same, to determine that all the requirements of this Chapter and any other applicable ordinances and regulations enacted by the BOROUGH Council have been met. The Code Enforcement Officer and/or his agent(s) shall inspect each REGULATED RENTAL UNIT at least once on or before the third anniversary of the initial licensing following the filing of the rental unit registration. These periodic inspections shall occur notwithstanding more frequent inspections, which may be required in the investigation of complaints regarding the DWELLING UNIT.

**§309. Fees.**

- A. The fee for the annual OCCUPANCY LICENSE for occupied and vacant rental dwelling units shall be set by a resolution adopted by the BOROUGH Council.

**§310. Notice of Violation.**

- A. When the Code Enforcement Officer and/or his agent(s) determine that there exists a violation of any provisions of this Chapter, he shall serve written notice of such violation.

**§311. Number of Occupants Specified.**

- A. Every OCCUPANCY LICENSE for rental dwelling units shall specify the maximum number of occupants allowed to occupy the DWELLING UNIT.

**§312. Multi-Family Dwelling Display of License.**

- A. Every OCCUPANCY LICENSE issued for dwelling units in a MULTI-FAMILY DWELLING shall be displayed in a conspicuous place within the structure.

**Section 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**Section 3.** The provisions of this ordinance shall become effective upon adoption.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Thomas E. Albanese  
President of Council

ATTEST:

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Larry R. Morley  
Borough Manager/Secretary

EXAMINED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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Paul H. Spickerman  
Mayor