

ORDINANCE NO. \_\_\_\_ of 2017

AN ORDINANCE OF THE BOROUGH OF FORTY FORT,  
LUZERNE COUNTY, PENNSYLVANIA, REGULATING  
RESIDENTIAL RENTAL UNIT OCCUPANCY AND  
PROVIDING FOR INSPECTIONS AND PENALTIES FOR NONCOMPLIANCE.

RESIDENTIAL RENTAL UNIT OCCUPANCY ORDINANCE

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Forty Fort and it is hereby enacted by the authority of the same as follows:

Section I: Title

This Ordinance shall be known as the Borough of Forty Fort “Residential Rental Unit Occupancy Ordinance.”

Section II: General

It is the purpose of this Ordinance and the policy of the Council of the Borough of Forty Fort, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain residential rental units in the Borough of Forty Fort and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers and occupants 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 inspections, issuance and renewal of occupancy licenses and sets penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this Ordinance, the Borough of Forty Fort finds that in recent years, many formerly private homes have been turned into residential rental units. Those rental units have often times been rented to individuals who, because they have no ownership interest in the property, have allowed the properties to deteriorate. In many cases, the owners of the properties live long distances from the Borough of Forty Fort. As a result, property maintenance of many rental units in the Borough of Forty Fort has been somewhat lax. In addition, problems have occurred because many tenants, because they have no ownership interest in the real estate, have not been concerned about following Codes of the Borough of Forty Fort, including Codes which govern maintenance and safety of the property. This, in turn, has caused problems for other homeowners near the rental units. In addition, there is a greater incidence of violations of various Codes of the Borough of Forty Fort in residential rental properties where owners rent properties to tenants.

### Section III: Definitions

BOROUGH OF FORTY FORT – The Borough of Forty Fort, Luzerne County, Pennsylvania.

CODE – any code or ordinance adopted, enacted and/or in effect in and for the Borough of Forty Fort concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following which are in effect as of the date of the enactment of this Ordinance: The Uniform Construction Code (hereinafter “UCC”), the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, Flood Plain Management Ordinance, the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER – the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement for the Borough of Forty Fort and any assistant or agents.

COMMON AREA – any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events, or the congregation of people, excepting bedrooms.

DISRUPTIVE CONDUCT – any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, 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 no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrence.

DISRUPTIVE CONDUCT REPORT – a written report of disruptive conduct on a form to be prescribed therefore, to be completed by the Code Enforcement Officer or police, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

GUEST – a person on the premises with the actual or implied consent of an occupant.

LANDLORD – 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 the

present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit (same as “owner”).

LANDLORD-TENANT ACT – The Landlord and Tenant Act of 1951, 68 P.S. §§ 250.101, *et seq.*, as amended.

MANAGER – an adult individual designated by the owner of a residential rental unit.

OCCUPANCY LICENSE – the license issued to the owner of residential rental units under this Ordinance, which is required for the lawful rental and occupancy of residential rental units.

OCCUPANT – an individual who resides in a residential rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a 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 the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit.

OWNER-OCCUPIED RENTAL UNIT – a rental unit in which the owner resides on a permanent basis.

PERSON – a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

POLICE – the Police Department of the Borough of Forty Fort or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Forty Fort.

PREMISES – any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental units are located.

RENTAL AGREEMENT – a written agreement between owner/landlord and occupant/tenant supplemented by the addendum required under Section IV (E)(4), embodying the terms and conditions concerning the use and occupancy of a specified residential rental unit or premises.

RESIDENTIAL RENTAL UNIT – any structure within the Borough of Forty Fort, which is occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel of real estate received any value, including but not limited to money, or the exchange of services. Each apartment within a building is a separate structure requiring an inspection and a license.

STRUCTURE – any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Each apartment within a building is a separate structure.

TENANT – an individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania (same as “occupant”). For the purposes of this Ordinance a person who has a legal agreement to purchase a residential rental unit, but is not yet the legal owner, shall be deemed to be a tenant (or occupant as defined above).

#### Section IV: Owner’s Duties

A. General. It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable State Laws and regulations and local ordinances and to keep such property in good and safe condition. The owner/landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making any and all repairs in and around the premises. As provided for in this Ordinance, every owner/landlord 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 Ordinance, every owner shall also be responsible for regulating the conduct and activities of the occupants of every rental unit which he, she or it owns in the Borough of Forty Fort, which conduct or activity takes place at such rental unit or its premises. In order to achieve those ends, every owner of a rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below. This Section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guest for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this Section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant’s conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law. This Ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough of Forty Fort against an owner, occupant or guest thereof.

B. Designation of Manager. Every owner who is not a full-time (ie. domiciled) resident of the Borough of Forty Fort, and/or who does not live within fifty (50) miles of the boundaries of the Borough of Forty Fort, shall designate a manger who shall reside in an area that is within fifty (50) miles from the Borough of Forty Fort. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the above referenced area. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside within the above referenced area. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service

of process and receipt of notices and demands, as well as for performing the obligations of the owner under this Ordinance and under rental agreements with occupants. The identity, address, and telephone number(s) of a person who is designated as manager hereunder shall be provided by the owner or manager to the Borough and such information shall be kept current and updated as it changes.

C. Disclosure

1. The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy:
  - (a) The name, address and telephone number of the manager, if applicable.
  - (b) The name, address and telephone number of the owner of the premises.
2. Before an occupant initially enters into or renews a rental agreement for a rental unit, the owner or manager shall furnish the occupant with the most recent inspection report relating to the property.

D. Maintenance of Premises.

1. The owner shall maintain the premises in compliance with the applicable codes of the Borough of Forty Fort and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
2. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if:
  - (a) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant.
  - (b) The agreement does not diminish or affect the obligation of the owner to the other occupants in the premises.
3. In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this Ordinance or other ordinances or codes for maintenance of the premises.

E. Rental Agreement

1. All disclosures and information required to be given to occupants by the owner shall be furnished at or before the commencement of the landlord/tenant relationship. The owner shall provide the occupant with copies of any rental agreement and addendum upon execution.
2. Terms and Conditions. Owner and occupant may include in a rental agreement terms and conditions not prohibited by this Ordinance or other applicable ordinances, regulations and laws, including rent, term of the agreement and other provisions governing the right and obligations of the parties.
3. Prohibited Provisions. Except as otherwise provided by this Ordinance, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Ordinance. A provision prohibited by this subsection included in a rental agreement is unenforceable.
4. Delivery of Summary of Ordinance to Occupant. Following the effective date of this Ordinance, a summary hereof in substantially the form set forth in Appendix A shall be provided to the occupant at or before the commencement of the landlord tenant relationship. For Landlord/Tenant relationships already in place at the time of passage of this Ordinance the owner shall provide the occupants with a copy of the summary within sixty (60) days after enactment of this Ordinance.
5. The owner shall secure a written acknowledgment from occupants that the occupants have received the disclosures and information required by this Ordinance.
6. Upon request by the Borough of Forty Fort, the owner shall within ten (10) days of the request furnish the Borough of Forty Fort copies of any lease(s) that the owner has entered into for residential rental units including acknowledgment that the occupants have received the disclosures and information required by this Ordinance.

F. Registration. Every owner of a residential rental unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:

1. All owners of residential units located on the following streets must register the units with the Code Enforcement Officer within thirty (30) days after the effective date of this Ordinance and then by January 31 in even numbered years thereafter:  
Butler Street, Cayuga Street, Center Street, Colonial Gardens, Culver Street, Culver Street, E. Pettebone Street, E. Turner Street, Earl Place, Elizabeth Street, Fort Street, Mohawk Place, Myers Street, Oneida Place, Orchard Place, Pomona Street, Ransom

Street, River Street, Rutter Avenue, Seneca Place, Shook Place, Snowden Street, Sunset Court, Susquehanna Avenue, Virginia Terrace, W. Turner Street, Walnut Street, Welles Street, Wyoming Avenue and any street, alley, cartway or the like within the same area as the aforementioned streets that may have been unknowingly omitted.

2. All owners of residential units located on the following streets must register the units with the Code Enforcement Officer within thirty (30) days after the effective date of this Ordinance and then by January 31 in odd numbered years thereafter:  
Arlington Road, Bedford Street, Bidlack Street, Crisman Street, Dana Street, Dennison Street, Dilley Street, Dunn Street, Durkee Street, Englewood Terrace, Filbert Street, Hughes Street, Mack Place, Milton Terrace, Murray Street, Oak Street, Owen Street, Pearl Street, Rose Street, Seminary Place, Shoemaker Street, Slocum Street, Sullivan Street, Taylor Place, Terrace Street, Tripp Manor, Tripp Street, W. Pettebone Street, Wesley Street, Yates Street, Yeager Avenue, and any street, alley, cartway or the like within the same area as the aforementioned streets that may have been unknowingly omitted.
3. Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the Borough of Forty Fort within thirty (30) days of the completion of the conversion of the unit or units or within thirty (30) days of the time when any rent, including the exchange of other services for the unit or units, is obtained or within thirty (30) days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.
4. It shall be the responsibility of the grantee to notify Forty Fort Borough within seventy-two (72) hours of any purchase or transfer of a rental unit.
5. The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any changes of the information set forth below.
6. All owners of any residential rental unit living outside of the fifty (50) mile limit set forth in Section IV B must have a local manager who shall reside within fifty (50) miles of the Borough of Forty Fort and who shall be available as an emergency contact person.
7. Registration information shall be provided by all owners and shall include the following:
  - (a) Owner name, address, telephone number.
  - (b) Local manager name, address, telephone number (an emergency contact person).
  - (c) Property address and number of units.
  - (d) Maximum occupancy per unit.

- (e) Emergency telephone number for owner and manager.
- (f) Actual number of occupants per unit.
- (g) Names and addresses of current tenants.

8. Any owner of a residential rental unit shall notify the Borough of Forty Fort at the Forty Fort Municipal Building within ten (10) days of a new tenant occupying, renting or residing in the landlord's or owner's residential rental unit.

G. Complaints. The owner shall reply promptly to reasonable complaints and inquiries from occupants.

H. Landlord-Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act.

I. Common Areas. The owner shall be directly responsible for the behavior of occupants and guests in the common areas as if the owner were an occupant. The failure of the owner to regulate behavior of occupants and guests in the common areas that results in any of the following shall be a violation of this Ordinance:

- 1. Fighting, threatening or other violent or tumultuous behavior.
- 2. Making unreasonable noise.
- 3. Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

J. Enforcement.

- 1. Within five (5) days after receipt of written notice from the Code Enforcement Officer that an occupant of a residential rental unit has violated a provision of this Ordinance, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.
- 2. Within twenty (20) days after receipt of a notice of a violation, the owner shall file with the Code Enforcement Officer a report, on a form provided by the Borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
- 3. The Code Enforcement Officer shall review the report and if adequate steps have been taken and the plan is adequate to address future violations, the plan shall be approved. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation



of this Ordinance.

4. In the event that a second violation occurs within a license term involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to initiate eviction proceedings against the occupant(s) who violated this Ordinance and to not permit the occupant(s) to occupy the premises during the subsequent licensing period. All tenants who have been evicted shall, if asked, advise their new landlord that they have been evicted from a residence for violating the terms and conditions of this Ordinance.

K. Code Violations. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

L. Repairs by Borough. In case the owner of the premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code in effect in the Borough of Forty Fort within the period of time stated in such notice, the Borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs for each time the Borough shall cause a violation to be corrected and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this subsection are not exclusive and the Borough and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or the applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension or revocation of the license issued hereunder.

M. Inspections. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The inspections shall be completed as follows:

1. The Code Enforcement Officer of the Borough of Forty Fort shall inspect all units once every two years and record the inspection on a written or electronic Inspection Report. The Inspection Report or a report of the findings of the inspection shall be provided to and shall be signed and dated by the owner of the residential rental unit or his or her manager. Inspections may be made by the Code Officer at any time within the said two year period.

N. Smoke and Carbon Monoxide Alarms. All owners of residential rental units in the Borough of Forty Fort shall be required, within 30 days of the passage of this Ordinance, to install smoke and carbon monoxide alarms, regardless of the occupant load, in accordance with

National Fire Protection Association Standards 72 and 720, and any future amendments to these sections.

O. Noncompliance.

1. Any residential rental unit which has been found to be in noncompliance with this Ordinance shall be subject to re-inspection(s) by the Code Enforcement Officer until the unit is found to be in compliance. The Code Enforcement Officer may inspect the unit as often as deemed necessary to ensure the unit continues to be in compliance.
2. In the event of a violation, a residential rental unit cannot be occupied unless and until the unit is approved as materially meeting the criteria of this Ordinance and any other applicable codes of the Borough of Forty Fort as determined by the Code Enforcement Officer.
3. (a) If after inspection of one or more of the residential rental units as set forth above, the Code Enforcement Officer determines that there are violations of any Codes of the Borough of Forty Fort, the Code Enforcement Officer shall provide a Notice of Violation which shall at a minimum set forth the following:
  - i. Street address of a property.
  - ii. Date of the inspection.
  - iii. Name of the inspector.
  - iv. List of violations.
- (b) Within five (5) days after receipt of a written notice from the Borough of Forty Fort Code Enforcement Officer that there has been a violation of this section or any other applicable ordinances of the Borough of Forty Fort, the owner shall take immediate steps to remedy the violations and take steps to assure that there will not be a reoccurrence of the violations.
- (c) Within twenty (20) days after receipt of a notice of violation the owner of the residential unit shall file with the Code Enforcement Officer a report on a form provided by the Borough of Forty Fort setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
- (d) The Code Enforcement Officer shall review the report and if adequate steps have been taken and the plan is adequate to address future violations the plan shall be approved. The owner, on his or her

initiative, shall enforce the plan, and failure to do so shall be a violation of this Ordinance.

4. If, after a violation as set forth above, a parcel of real estate containing residential rental units has no violations of applicable codes of the Borough of Forty Fort for a period of two (2) years, said property shall then be deemed to be back in compliance with the terms and conditions of this Ordinance and shall not then be subject to intermittent inspections set forth in this section unless there are future violations.
5. If a parcel of real estate in noncompliance with the terms and conditions of this Ordinance or other ordinance of the Borough of Forty Fort is sold, then the parcel of real estate shall remain in noncompliance until the earlier of the following has occurred:
  - (a) The original two-year period with no violations passes with no further violations; or
  - (b) If twelve (12) months passes after purchase by the new owner with no violations of any ordinances of the Borough of Forty Fort.
6. All owners of any real estate containing or upon which are erected any residential rental unit(s) which are in noncompliance with this Ordinance and who desire to sell the parcel of real estate shall notify the purchasers, in writing, prior to the sale of the parcel of real estate that the parcel of real estate is in noncompliance with the terms and conditions of this Ordinance. Further, any property owner selling a parcel of real estate upon which is erected a residential rental unit or units which are found to be in noncompliance under the terms and conditions of this Ordinance shall notify the Code Enforcement Officer, in writing, within thirty (30) days prior to closing on the sale of said parcel of real estate.
7. All owners of any parcels of real estate containing residential rental units shall permit access to the property so that the Code Enforcement Officer of the Borough of Forty Fort shall be able to complete all inspections necessary to determine compliance with this Ordinance and any other applicable Ordinances of the Borough of Forty Fort. Refusal to allow entry of the residential rental unit by the Code Enforcement Officer of the Borough of Forty Fort to inspect the said unit shall be a violation of this Ordinance. If the Borough of Forty Fort is required to initiate legal action, including but not limited to securing a warrant for entry, the owner shall be required to pay all costs, including attorneys fees, associated therewith.
8. The Code Enforcement Officer may reinspect any property subject to a notice of violation upon expiration of the time to accomplish repairs or upon notice from the owner that the violations have been rectified.

- P. The owner shall maintain at the licensed rental unit and provide upon demand the following:
1. The current license and current inspection report issued by the Code Enforcement Officer of the Borough of Forty Fort.
  2. The addendum to the license application required by this Ordinance showing the names of the authorized occupants of the residential rental unit(s).
  3. The total number of persons who may occupy the residential rental unit(s) and any common areas.

#### Section V. Occupant Duties.

A. General. The occupant shall comply with all obligations imposed upon occupants by this Ordinance, all applicable codes and ordinances of the Borough of Forty Fort and all applicable provisions of State Law.

#### B. Health and Safety Regulations.

1. The maximum number of persons permitted in any rental unit at any time shall not exceed one person for each 70 square feet of habitable floor space in said rental unit.
2. The occupant shall deposit all rubbish, garbage and other waste from his or her rental unit into containers in a clean and safe manner and shall separate and place for collection all recyclable materials, in compliance with the recycling plan submitted by the owner to the Borough of Forty Fort or if there is no recycling plan for the premises, then in compliance with the Borough of Forty Fort's Recycling Ordinance and all other applicable ordinances, laws and regulations.

C. Peaceful Enjoyment. The occupant shall conduct himself or herself and require other persons including, but not limited to, guests on the premises and within his or her rental unit with his or her 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.

D. Residential Use. The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose other than as a residence.

E. Illegal Activities. The occupant shall not engage in or permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. §101

*et seq.*), Liquor Code (47 P.S. §1-101 *et seq.*) or the Controlled Substance, Drug, Device, and Cosmetic Act (35 P.S. §780-101 *et seq.*)

F. Disruptive Conduct.

1. The occupant shall not engage in, or permit others on the premises to engage in, disruptive conduct or other violations of this Ordinance.
2. When police or the Code Enforcement Officer investigate an alleged incidence of disruptive conduct, he or she shall complete a disruptive conduct report upon a 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 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 or manager within five (5) working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the Borough is the Code Enforcement Officer or the police.

G. Compliance with Rental Agreement. The occupant shall comply with all lawful provisions of the rental agreement entered into between the owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.

H. Damage to Premises. The occupant shall not intentionally cause, nor permit or tolerate others to cause, damage to the premises. Conduct which results in damages in excess of Five Hundred (\$500.00) Dollars shall be considered a violation of this Ordinance.

I. Inspection of Premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.

J. Removal or Defacement of Notice. It shall be a violation of this Ordinance for any person to remove or deface any notice or document required to be posted within a rental unit and it shall be unlawful for any person to occupy the rental unit unless all notices and documents are posted as required.

K. Disruptive Conduct. It shall be a violation of this ordinance for any occupant or any other person to engage in disruptive conduct as defined by this Ordinance.

Section VI. Licenses and Inspection.

A. License Requirement.

1. As a prerequisite to entering into a rental agreement or permitting the occupancy of any rental unit (except as provided in subsection (A) (3) below), the owner of every such rental unit shall be required to apply for and obtain a license for each residential rental unit.
2. A license shall be required for all residential rental units.
3. The following categories of rental properties shall not require licenses, and shall not, therefore, be subject to the permitting provision of this Ordinance:
  - (a) Hotels and motels.
  - (b) Hospitals and nursing homes.
  - (c) Bed and breakfast units as defined in the Borough's Zoning Ordinance.
4. The application for the license shall be in a form as determined by the Borough.
5. The owner shall maintain a current and accurate list of the occupants in each rental unit which shall include their name, and current telephone number which shall be available to the Borough for inspection upon reasonable notice. The owner shall notify the Borough of changes in the occupancy or of contact information within ten (10) days of the change and shall provide the name of the person who is no longer residing in the premises in the event a person departs and the name, current address and current telephone number of new occupants in the event a new person is added.
6. In the event that a license is denied by the Code Office, the owner shall have the right to appeal to the Borough Council of the Borough of Forty Fort within thirty (30) days of mailing of the notice of denial of the application. The hearing before the Borough Council shall be governed by the Local Agency Law.

B. Annual License Term, Fee and Occupancy Limit.

1. Each license shall have an annual term running from January 1 of the applicable year through December 31 of the following year.

2. Upon application for a license prior to issuance or renewal thereof, each owner/applicant shall pay to the Borough a bi-annual license and inspection fee in an amount to be established, from time to time, by resolution of the Council of Forty Fort. The initial fee for a license shall be Fifty (\$50.00) Dollars. In addition to the license fee, inspection fees will be charged as follows: For the first one or two dwelling units/apartments: Thirty Five Dollars (\$35.00) per unit; for the third and fourth dwelling units/apartments: twenty five dollars per unit/apartment for the fifth and any additional dwelling units/apartments the inspection fee shall be \$15.00 per unit/apartment. The fee shall be paid by January 30<sup>th</sup> of each year, as applicable. A fee of \$25.00 shall be paid for each re-inspection required under this Ordinance. The landlord shall be entitled to one free re-inspection per unit, per license term due to a tenant vacancy.

3. The license shall indicate thereon the maximum number of occupants in each rental unit.

4. No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Ordinance or any of the ordinances of the Borough of Forty Fort relating to land use and/or code enforcement or if any licensing fees under this Ordinance are due.

C. Search Warrant. Upon a showing of probable cause that a violation of this Ordinance or any other ordinance of the Borough of Forty Fort has occurred, the Code Enforcement Officer may apply for a search warrant to enter and inspect the premises.

#### Section VII. Formal Warnings, Suspensions or Revocations of License.

A. General. The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, suspension or revocation of the owner's license, for violating any provision of this Ordinance that imposes a duty upon the owner and/or for failing to regulate the breach by occupants as provided for herein.

1. Definition of Options.

(a) Formal Warning. Formal written notification of at least one violation of this Ordinance. Upon satisfactory compliance with this Ordinance and any conditions imposed by the Code Enforcement Officer the violation shall be deemed to be resolved.

(b) Suspension. The loss of the privilege to rent a residential rental unit or units for a period of time set by the Code Enforcement Officer.

(c) Revocation. The loss of the privilege to rent residential rental units or units for a period of time set by the Code Enforcement Officer.

