

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-10-03-03 OF THE BOROUGH OF BROWNSTOWN WHICH INCLUDES THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF BROWNSTOWN BY ADDING PROVISIONS PERTAINING TO RENTAL HOUSING TO THE PROPERTY MAINTENANCE CODE AND PROVIDING FOR FEES, PERMITS, INSPECTIONS, AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the authority of the council of the Borough of Brownstown that:

Section 1. Ordinance number 2003-10-03-03 Borough of Brownstown, known as Property Maintenance Code which includes the International Property Maintenance Code which is hereby amended and revised in the following respects:

CHAPTER 2 — DEFINITIONS

A. SECTION 202.0 GENERAL DEFINITIONS

The definition of RESIDENTIAL RENTAL UNIT is hereby added and shall read as follows:

A dwelling unit let for rent, or an other-than-owner-occupied residential unit or a premise or structure occupied by a person who is not the legal owner of record. A residential rental unit shall not include hotels, motels, fraternities, dormitories or bed and breakfast establishments, non-profit human service agency owned/managed dwellings.

A residential rental unit shall include dwelling units under a written or unwritten lease, agreement or license or a recorded or unrecorded article of agreement or an agreement of contract for the sale of land greater than six (6) months duration.

Code Official: The employee(s) of the Cambria-Somerset Council of Governments hired to provide the services of a building code official to municipalities participating in the Regional Code Rental Inspection Enforcement Program.

Person in Charge: Any individual, group of individuals, corporation, partnership, limited liability company or other entity having the authority, singly or in combination with another, to enter into an agreement for the occupancy of a dwelling unit covered by this article.

Transfer Fee: A fee paid to have the property owners' names switched and issue new Residential Rental Unit License.

Conditional Housing Permit: A temporary permit issued prior to issuance of Residential Rental Unit License.

CHAPTER 9 entitled, **RESIDENTIAL RENTAL INSPECTION AND LICENSING**, is hereby added and reads as follows:

SECTION 900 - RESIDENTIAL RENTAL UNIT LICENSE - LICENSE REQUIRED

It shall be unlawful for any person, firm or corporation to operate, let or rent to another for occupancy any residential rental unit in the Borough of Brownstown unless a Residential Rental Unit License has been issued by the Code Official.

SECTION 901 - FORM OF APPLICATION

Applications for license shall be made to the Code Official on forms furnished by said office, information on these applications forms shall include:

- A. The name, address and telephone number of the person in charge. Owners of residential rental units who are full time residents of Cambria County may act as the person in charge or designate a person in charge, who shall reside in Cambria County. The person in charge shall notify the owner of residential rental units of any and all violations issued against said units by the Code Official.
- B. The location of the structure by street and number.
- C. The number of dwelling units available for occupancy at a single address, structure or premises.
- D. Name of current tenant or tenants at the time of license renewal.
- E. Such other related information as the Code Official may reasonably require.

SECTION 902 - TIME FOR APPLICATION

With respect to existing rentals requiring licenses as required by Section 900 hereof, all applications for permits shall be made on or before October 1, 2003, or within six (6) months of the effective date of this ordinance.

SECTION 903 - ISSUANCE OF CONDITIONAL HOUSING PERMITS

- A. The Code Official shall initially issue a conditional housing permit to the applicant.
- B. The issuance of the conditional housing permit shall constitute consent for inspection of the subject rental premises by the Code Official.
- C. The Code Official shall within a reasonable time conduct an inspection of the structure to determine compliance with this code.

- D. If the rental premises complies with this code, the Code Official shall issue to the applicant a Residential Rental Unit License.
- E. 1. If the rental premises does not comply with the provisions of this code, the Code Official shall proceed to enforce the provisions of said code.
- 2. In addition to the enforcement of all other remedies as set forth in this code, noncompliance with orders and notices of the Code Official shall result in the revocation of the Conditional Housing Permit and/or the Residential Rental License in such event the subject premises may not thereafter be rented to other persons, except that current tenants may continue to occupy such premises until their lease term expires or until other termination of tenancy, provided further that such premises have not been determined by the provisions of this code to be unfit for human occupancy.

SECTION 904 - SIGNATURE TO PERMIT

The Code Official's signature shall be attached to every permit or license, or the Code Official may authorize a subordinate to affix such signature thereto.

SECTION 905 - FEE SCHEDULE

Conditional Housing Permits and Residential Rental Unit License shall be renewed annually on or before July 31st. No reduction shall be made for fractional yearly permits or licenses. The permit and license fee shall be as follows:

- A. **CONDITIONAL HOUSING PERMITS:** An annual fee of forty (\$40.00) dollars per dwelling unit for the first four (4) dwelling units and ten (\$10.00) dollars for each additional dwelling unit per building or structure.
- B. **RESIDENTIAL RENTAL UNIT LICENSE:** An annual fee of forty (\$40.00) dollars per dwelling unit for the first four (4) dwelling units and ten (\$10.00) for each additional dwelling unit per building or structure.
- C. **REINSPECTION FEE:** If violations are found and correction is required as per this code the initial re-inspection shall be at no cost. Subsequent re-inspections required to verify compliance shall be seventy-five dollars (\$75.00) for each re-inspection.
- D. **TRANSFER FEE:** Thirty-five (\$35.00) dollars.

SECTION 906 - DISPLAY AND USE

The Conditional Housing Permit or Residential Rental Unit License shall be posted in a conspicuous place in the owner's or person's in charge office (or public hall in structures that contain five (5) or more dwelling units).

In all structures, the permit or license shall be accessible by the owner or person in charge to produce upon request of the Code Official.

The intent is also served if the owner or person in charge does produce such permit within twenty-four (24) hours of request. The issuance of a Conditional Housing Permit or a Residential Rental Unit License to an owner or person in charge of rental property shall constitute consent for inspection of the subject premises upon reasonable notice. The permit or license is and shall remain the property of the Code Official.

SECTION 907 - OWNER'S RIGHTS

The terms and provisions of this ordinance are not intended to bar, preclude, or affect the right of the owner to pursue judicial relief against a tenant for damage caused to a property for which a tenant is legally responsible.

SECTION 908 - RULES AND REGULATIONS

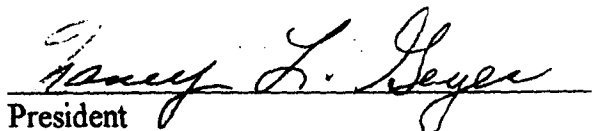
There shall be established by the Code Official, Rules and Regulations for the implementation of this Ordinance. Such Rules and Regulations shall be reviewed and approved by borough council/Board of Supervisors and be passed by Resolution.

Section 2. **INCONSISTENT ORDINANCES REPEALED:** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed.

Section 3. **SAVING CLAUSE:** That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any portion of this Ordinance is ruled invalid by a court of competent jurisdiction the remainder shall remain in full effect.

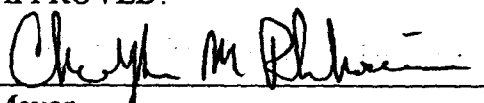
ATTEST:

BY: 
Secretary


President

DATE: September 10, 2003

APPROVED:


Mayor