

# Chapter 456, RENTAL PROPERTY

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[HISTORY: Adopted by the Council of the City of Easton as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

- Code Board of Appeals -- See Ch. 28.
- Real estate registry -- See Ch. 131.
- Buyer notification -- See Ch. 222.
- Code enforcement -- See Ch. 245, Art. I.
- Noise -- See Ch. 376.
- Peace and good order -- See Ch. 410.
- Existing Structures Code -- See Ch. 435, Art. I.
- Public health standards -- See Ch. 444.
- Solid waste -- See Ch. 500.
- Zoning -- See Ch. 595.

## **ARTICLE I, Property Registration; Occupancy Limitation Certification** [Adopted 10-27-1966 by Ord. No. 1929 (Art. 1198 of the 1965 Codified Ordinances)]

### **§ 456-1. Occupancy limitation certificate.** [Amended 9-23-1981 by Ord. No. 2626]

The owner or operator of any structure or dwelling unit which is let or rented to another for the purpose of living therein shall register such rental unit or units on a form provided by the code enforcement agency within 18 months from the effective date of this article and shall obtain an occupancy limitation certificate from the Public Officer, which certificate shall be issued by the inspection team upon inspection of the premises following registration; except that, rooming houses subject to obtaining permits pursuant to § 435-3 of this Code of the City of Easton are hereby exempted from the requirements of this section. Such certificate shall give notice of the maximum occupancy per dwelling unit permitted under the applicable provisions of this article and any other applicable ordinances and regulations of the City and shall not be construed or interpreted as implying in any way that the particular dwelling or dwelling unit is in compliance or conformity with the provisions of this article or any rule or regulation for the enforcement or implementation of this article adopted by the Public Officer.

### **§ 456-2. Change of owner or operator.**

- A. Any change in the address of the persons cited in § 456-1 shall be reported to the Public Officer within 30 days after such change.
- B. Upon any change in the ownership or control of any dwelling structure or dwelling unit which is let or rented to others for the purpose of living therein, the new owner or operator shall register such transfer by making application for a new occupancy limitation certificate within 30 days of the time of acquisition.

### **§ 456-3. Conversion or alteration of structure.**

Within 30 days after the conversion or alteration of any structure to provide a number of dwelling units or occupancy differing from the number permitted under an issued occupancy limitation certificate, the owner or operator of such structure shall make application for a new occupancy limitation certificate.

### **§ 456-4. Contents of application.** [Amended 9-23-1981 by Ord. No. 2626]

The application for an occupancy limitation certificate required by § 456-1 shall be made by the owner or operator and shall contain:

- A. The name and address of the operator and the name and address of the owner if the operator is not the owner;
- B. The location of the dwelling or dwelling unit, including the street and number of each entrance;

C. The number of dwelling units available for rent in accordance with the provisions of this article and with the rules and regulations issued thereunder and in accordance with any other applicable ordinances or regulations of the City;

D. If the owner or operator is a corporation, the name and address of its president, secretary and registered agent shall be given;

E. If the owner or operator does not actually reside within the City or is not customarily present at any office in the City for the purpose of transacting business, then such owner or operator shall register the name and address of a person or persons who reside within or are customarily present at an office in the City who will be responsible for the maintenance and operation of the dwelling or dwelling units in accordance with the provisions of this article and who will be authorized to receive notices and process on behalf of the owner or operator in connection with the enforcement of this article. In the event that the owner or operator is a corporation, or in the event that a corporate managing agent is designated by an owner or operator, the corporation shall designate an officer or agent as the person so responsible. The officer or agent designated as a managing agent shall meet the requirements of this subsection as to location and residence;

F. Any person who signs the application herein provided for shall certify that all statements therein contained are, to the best of his knowledge and belief, true and correct; and

G. Such other information as the Public Officer may require.

**§ 456-5. Fee.**

A. The application fee for obtaining an occupancy limitation certificate shall be as specified in Chapter 285, Fees. [Amended 7-31-1969 by Ord. No. 2044]

B. Such application fee shall be payable to the License Officer of the City. Evidence of payment of fee should be attached to the registration form required under § 456-1.

**§ 456-6. Effective date.** [Amended 9-23-1981 by Ord. No. 2626]

Within 18 months from the effective date of this article, no person shall rent or let to another any dwelling or dwelling unit located within this City without having obtained an occupancy limitation certificate as required in this article, nor may any person rent or let any dwelling or dwelling unit to persons in excess of the maximum number permitted by such certificate.

**§ 456-7. Sale or conveyance of dwelling.**

Any person who sells or conveys any dwelling, dwelling unit, rooming house or rooming unit in the City shall include in or as part of the agreement or instrument of sale a copy of any outstanding notice or order issued by the Public Officer citing violations of the provisions of this or of any rule or regulation adopted by the Public Officer for the enforcement and implementation of this article which has not been complied with.

**§ 456-8. Noncompliance warranty.** [Amended 9-23-1981 by Ord. No. 2626]

A seller, conveyor or agent who violates or fails to conform to the requirements of § 456-7, even if with the consent of the purchaser or transferee, thereby shall be conclusively presumed to have given his warranty that the property being sold or conveyed is in compliance with the provisions of this article and the rules and regulations adopted by the Public Officer for the enforcement and implementation of this article at the time and immediately prior to the sale or conveyance.

**ARTICLE II, Tenant Registration** [Adopted 9-9-1987 by Ord. No. 2905 (Art. 117 of the 1965 Codified Ordinances)]

**§ 456-9. Required listing of rental property tenants and addresses.**

A. Effective as of the effective date of this article, every owner, agent and/or resident supervisor of real estate in the City who rents or leases any parcel thereof, in whole or in part, to any other person or

entity shall make one filing with the City Treasurer at the Treasurer's Office, One South Third Street, Easton, Northampton County, Pennsylvania, of a written certified list of all persons or entities who presently rent or lease real estate from such owner, agent and/or resident supervisor. The list shall include the names, birth dates, social security numbers, addresses, most recent previous address, along with the moving permit from that address or a municipality's letter of exemption from moving permits, where applicable, of all such persons residing there or entities, and shall be filed with the City Treasurer to be received no later than November 1, 1987, and by November 1 of each following year. In addition to the requirement of the aforesaid filing, every such owner, agent and/or resident supervisor of real estate shall file a separate, certified written list with the City Treasurer within 30 days of the date of any change in the person or entity so renting or leasing or within 30 days of the date of any additional person or entity so renting or leasing the subject premises. [Amended 11-19-1998 by Ord. No. 3635]

B. For the purposes of this section, the fact that an owner, agent and/or resident supervisor of real estate rents or leases any property for minimal or no rent to another person or entity shall not excuse such owner, agent and/or supervisor from the filing of the certified lists required in Subsection A hereof.

**§ 456-10. Violations and penalties.**

Every owner of real estate or his agent and/or resident supervisor who fails to so comply with the requirements of this article shall, upon conviction, be guilty of a summary offense and be liable for a fine not exceeding \$300 and, in default thereof, imprisonment not exceeding 10 days in the Northampton County Prison. For the purposes of this section, every day that an owner, agent and/or resident supervisor of real estate is late in filing the certified written lists, as required above, shall constitute a separate and distinct offense.

**§ 456-11. Enforcement.**

This article shall be enforced by the City Treasurer, the administration or the City Solicitor's office.

**§ 456-12. Exemptions.**

Exempted from this article are all charitable, nonprofit organizations who operate a shelter or provide housing for the homeless, regardless of how long a person or family stays at such residence.

**§ 456-13. Form for reporting information.**

The form provided by the Treasurer's office and approved by Council is to be considered part of this article and used for reporting the information required by this article.

**ARTICLE III, Licensing and Inspection of Residential Rental Property** [Adopted 4-25-2007 by Ord. No. 4954 (Art. 1727 of the 1965 Codified Ordinances)]

**§ 456-14. Purposes and findings.**

A. Purposes. This article is intended to serve the following purposes:

- (1) To assist the City of Easton (the "City") 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 City of Easton and to seek that owners and occupants properly maintain rental housing within the City;
- (3) To ensure that owners, managers and occupants share responsibilities to comply with codes, to prevent overcrowding, and to avoid nuisances for neighboring residents; and
- (4) To provide for a system of inspections and for issuance and renewal of licenses and to establish penalties for violations.

B. Findings. In considering the adoption of this article, the City of Easton makes the following findings:

- (1) This article is enacted under the authority of the Third Class City Code of Pennsylvania.

- (2) There is a greater incidence and greater severity of violations of various codes of the City at rental residential properties than at owner-occupied residential properties.
- (3) There is a greater incidence of problems with the maintenance and upkeep of rental residential properties than at owner-occupied residential properties.
- (4) There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at rental residential properties than at owner-occupied residential properties.
- (5) A systematic inspection process can avoid life-threatening problems, such as a lack of functioning smoke detectors.

**§ 456-15. Definitions.**

A. As used in this article, the following terms shall have the following meanings. If a term is not defined in this article, but is defined in the City's Existing Structures Code or Construction Code, EN then that definition shall apply to this article. If a term is not defined in any of those codes, but is defined in Chapter 595, Zoning, of the City's Code, then the definition in such chapter shall apply to this article.

BUSINESS DAYS -- Days in which the offices of the City of Easton are open for public business.

CITY -- The City of Easton, Northampton County, Pennsylvania.

CODE -- Any code or ordinance adopted, enacted and/or in effect in and for the City of Easton concerning fitness for habitation or the construction, maintenance, operation, occupancy, use, vermin or rodent control, or public health matters of any premises or dwelling unit. This shall include, but not be limited to, the City's Existing Structures Code, the Electrical Code, the construction codes, solid waste and water ordinances, public health ordinances, and noise control ordinances.

CODE ENFORCEMENT OFFICER -- The duly appointed Code Enforcement Officer(s) having the duty to enforce this article, the City's Existing Structures Code and similar codes of the City of Easton, and any assistants or deputies thereof.

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 article.

**DISRUPTIVE CONDUCT**

- (1) A form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or guest of a regulated rental unit that:
  - (a) Is a violation of ordinances of the City of Easton and that is so loud, untimely as to time of the day, offensive and/or nuisance-causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others;
  - (b) Involves music or noise that is disruptive to persons occupying a different dwelling unit;
  - (c) Involves music that is audible from a street, sidewalk or dwelling from a minimum distance of 40 feet away from the premises where the sound is originating;
  - (d) Is the subject of a criminal citation for disorderly conduct; or
  - (e) Is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code.

- (2) Upon prosecution of any of the activities described above that is defined as "disruptive conduct," and a determination of guilt, either by plea of the individual accused or determination by the Magisterial District Judge or the Court, a copy of that disposition is to be sent to the owner or manager along with a copy to the Office of Residential Rental Properties Licensing and Inspection. [Amended 5-14-2008 by Ord. No. 5091]

DISRUPTIVE CONDUCT REPORT -- A written report of "disruptive conduct" that is completed by a police officer who investigated the matter.

DWELLING -- A building including one or more dwelling units.

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

GUEST -- A person on the premises of a regulated rental unit with the actual or implied consent of an occupant.

LANDLORD -- This term shall have the same meaning as "owner."

MANAGER -- An adult individual designated by the owner of a regulated rental unit under this article. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this article and under rental agreements with occupants.

MULTIUNIT BUILDING -- A building containing two or more dwelling units that are not completely separated from each other by vertical party walls.

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

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 who is in possession of a regulated rental unit.

OWNER-OCCUPIED DWELLING UNIT -- A dwelling unit in which at least one owner of record of the property resides as his/her primary dwelling.

PERSON -- A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

POLICE -- Sworn law enforcement officers of the Police Department of the City of Easton or the Pennsylvania State Police.

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

REGULATED RENTAL UNIT -- A dwelling unit or rooming house unit that is occupied for residential purposes and that is not: a) an owner-occupied dwelling unit and b) exempted by this article from needing a residential rental license. A college fraternity or sorority used for residential purposes shall be considered regulated rental units unless it is within a dormitory that is owned by a college.

RENTAL AGREEMENT -- A written agreement or other legally enforceable agreement between owner and tenant embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit.

RESIDENTIAL RENTAL LICENSE -- The license issued, subsequent to an inspection of the premises by the Code Enforcement Officer, to the owner of regulated rental units under this article, which is required in order to lawfully rent and occupy regulated rental units. Until a rental unit has been inspected and a license issued, the residential rental license shall be considered a residential rental registration.

ROOMING HOUSE UNIT -- A living unit that does not meet the definition of a dwelling unit and that is not within a City-permitted hotel or bed-and-breakfast inn.

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.

UNRELATED PERSONS -- Two or more persons who reside in a dwelling unit and who are not related to each other through blood, adoption, marriage or formal foster relationship. A person who is only related as a cousin shall be considered unrelated for the purposes of this article. The term "related" shall be restricted to the following relationships: spouse, parent, child, sister, brother, grandchild, great grandchild, grandparent, great grandparent, aunt, uncle, or any of these same relationships in a "step-" or "in-law" situation.

**§ 456-16. Owner's duties.**

A. General.

(1) It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with the BOCA National Existing Structures Codes/1987, as amended, and to keep such property in good and safe condition.

(2) As provided for in this article, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. Every owner shall be responsible to act to minimize disruptive conduct, through the rental contract and through its enforcement of leases, on the premises by the occupants of regulated rental units.

(3) A residential rental license or registration is required by § 456-18 for each regulated rental unit. If a valid license or registration has not been issued, or the license has been revoked, then the rental unit shall not be rented for residential use. If a regulated rental unit is rented for residential use without a valid residential rental license or registration, such action shall be a violation of this article.

(4) This article shall not be construed as diminishing or relieving in any way the responsibility of occupants or their guests 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 article 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.

(5) This article is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the City against an owner, occupant or guest thereof.

(6) The owner and/or owner's agent shall accompany the Code Enforcement Officer in all scheduled inspections at the property conducted under this article.

B. Designation of manager.

(1) If the owner is not a full-time resident of the City of Easton or lives within a thirty-mile radius of the City of Easton, then the owner shall designate a person to serve as manager who does reside or work on a daily basis within a thirty-mile radius of the City of Easton. If the owner is a corporation, a separate manager shall be appointed unless an officer of the corporation is appointed as the manager and such officer lives within a thirty-mile radius of the City of Easton. If the owner is a partnership, a manager shall be required if a partner does not reside within a thirty-mile radius of the City of Easton. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this article and under rental agreements with occupants.

(2) The legal name, mailing address, daytime physical address (not a post office box), and daytime and evening telephone number(s) of a person who is designated as the manager shall be provided in writing by the owner to the City, and such information shall be kept current and updated within five business days after it changes.

(3) The manager shall be authorized to accept service of process on behalf of the owner.

(4) In addition, an owner may designate an agent to serve all of the same purposes of the owner. If an agent is designated, then the City is not required to provide separate notice to the owner.

C. Disclosure. The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy: the name, address and telephone number of the manager or the name, address and telephone number of the owner of the premises if a manager is not required to be designated.

D. Maintenance of premises.

(1) The owner shall maintain the premises in compliance with the BOCA National Existing Structures Code/1987, as amended, 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) However, the 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. Such an agreement may be entered into between the owner and occupant only if entered into in good faith and not for the purpose of evading the obligations of the owner or occupant.

(3) The existence of an agreement between owner and occupant shall not relieve an owner of any responsibility under this article or other City codes for proper repair and maintenance of a building or premises.

E. Rental agreement.

(1) All rental agreements for regulated rental units shall be in writing or otherwise legally enforceable.

(2) The owner and occupant shall not include text in a rental agreement that is contrary to the provisions of this article and shall insert such provisions as necessary to facilitate enforcement of the provisions herein, such as grounds for eviction based on violations of the disruptive conduct provisions. Nothing herein, however, is to be construed as to limit the owner's ability to insert more stringent provisions in establishing the contract with the tenant. [Amended 5-14-2008 by Ord. No. 5091]

F. The owner and occupants shall comply with all provisions of the Pennsylvania Landlord-Tenant Act.EN

G. Common areas. The owner shall be responsible to minimize disruptive conduct by occupants and guests in any common area and the premises and to maintain proper physical conditions in such areas. The owner shall be required to ensure that common areas and the outside premises are in compliance with City codes.

H. Eviction. In the event there are two determinations of guilt for conduct by any occupant or guest determined to be "disruptive conduct," as set forth in the definition in § 456-15, in a regulated rental unit during the course of any period of 24 consecutive months, the owner is to begin eviction proceedings of the tenant(s) by providing notice to vacate within 15 days of receipt of the second notice of a guilty determination, and proceed to file and prosecute an action for possession against the tenant within 30 days of such notice. Once an eviction is ordered, those occupant(s) shall not be permitted to occupy any area on the same lot for a minimum period of two years. In addition, once an eviction is ordered, those occupant(s) shall not, for a minimum period of two years, be permitted to occupy any dwelling unit or boardinghouse or rooming house unit that is owned by the same person or entity within the City of Easton. [Amended 8-8-2007 by Ord. No. 4994; 5-14-2008 by Ord. No. 5091]

(1) Failure of an owner to comply with a notice to vacate the premises shall result in the suspension or revocation of the residential rental license and shall be a violation of this article.

(2) This article shall not limit the ability of an owner to evict tenants in compliance with state law for reasons other than violations of this article.

(3) An owner will not be ruled in violation of this section in the event of the following:

(a) Despite a good faith effort to prosecute at the Magisterial District Judge level, the Magisterial District Judge rules in tenant's favor during the eviction process; or

(b) Despite good faith efforts to prosecute an eviction action, legal action has resulted in a stay or reversal of an eviction order.

(4) The Code Enforcement Officer shall maintain a list of occupants who were ordered to be evicted and the affected addresses. Such list shall be maintained for a minimum of three years and shall be available for public review.

(5) In the event that the occupant or guest accused and found guilty of disruptive conduct has become the subject of an order of any type that prohibits that individual from living in or visiting a regulated rental unit of a tenant (including the spouse of a tenant), then such action of disruptive

conduct will not count against the maximum of two, provided that the remaining tenant does not allow such individual reoccupying or visiting the premises.

I. Code violations. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall take necessary action, or cause such action to be taken, to eliminate the violation within the time limit provided on the notice or citation.

(1) In case the owner of a premises shall neglect, fail or refuse to comply with any notice from the City or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code within the period of time stated in such notice, the City may cause the violation to be corrected by invoking such remedies available under this article or other applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation, or suspension, revocation or nonrenewal of the residential rental license.

J. The owner or manager shall allow and schedule inspections by a Code Enforcement Officer of the premises during City business hours, after a minimum of seven calendar days' notice have been provided to the owner or manager. The owner or manager shall provide a minimum of three calendar days' advance notice to at least one adult occupant of each rental unit of the time and date of the inspection. These advance notice requirements shall not apply when the Code Enforcement Officer has reason to believe that an imminent threat to public health and safety may exist. See also § 456-18.

#### **§ 456-17. Occupant's duties.**

A. General.

(1) The occupant shall comply with all obligations imposed upon occupants by this article, all applicable codes and ordinances of the City and all applicable provisions of state law.

(2) A regulated rental unit shall not be occupied by more than three "unrelated persons" (as defined in § 456-15) unless specifically permitted otherwise by the City Zoning Ordinance. A regulated rental unit shall also comply with the occupancy limits of other City codes.

B. Health regulations. Occupants shall collect and dispose of all rubbish, garbage and other waste in a clean and sanitary manner, and comply with City solid waste and recycling regulations.

C. Illegal activities. Occupants shall not engage in, nor tolerate nor permit guests on the premises to engage in, any conduct declared illegal under any federal criminal statute, and/or under the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101 et seq.) or Liquor Code (47 P.S. § 1-101 et seq.), or the illegal sale or distribution of controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.), or their successor laws.

D. Disruptive conduct. (See definition in § 456-15.)

(1) Occupants shall not engage in, nor tolerate nor permit guests on the premises to engage in, disruptive conduct, or other violations of this article. EN

(2) If a citation is issued and successfully prosecuted or a guilty plea entered before a Magisterial District Judge, such citation may automatically be considered a disruptive conduct report. However, if an appeal of a citation is filed from a decision of a Magisterial District Judge, the matter shall not be deemed to constitute disruptive conduct unless a finding of guilty is affirmed by a final decision on appeal. EN

E. Inspection of premises. Occupants shall permit inspections by a Code Enforcement Officer of the premises during City business hours, after receiving notice from the owner, manager or the City. See also §§ 456-18 and 456-16I.

#### **§ 456-18. Registrations, licenses and inspections.**

A. License requirement.

(1) A residential rental license or proof of registration shall be required for all regulated rental units. By August 15 each year, the owner or his duly authorized agent shall be required to register each

regulated rental unit. For a rooming house, a single license is allowed for all units within a rooming house building. [Amended 8-8-2007 by Ord. No. 4998]

(a) A residential rental license shall not be issued or renewed until:

[1] A business license has been obtained;

[2] All overdue real estate taxes, water, sewage and garbage/rubbish collection fees that are owed to the City of Easton or its authorities or assignees or lessees have been paid in full; and

[3] The owner has provided information concerning a manager, if applicable, and has provided a list of names of occupants age 18 or older.

(2) The following shall not be considered regulated rental units for the purposes of this article:

(a) Owner-occupied dwelling units, provided that not more than two unrelated individuals, in addition to the owner and his/her relatives, occupy the dwelling unit at any given time.

(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) Bed-and-breakfast homes as defined in the City's Zoning Ordinance (Chapter 595, Zoning).

(e) 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 to the owner.

(f) On-campus dormitories owned by an accredited college or university.

(3) Housing Authority. Dwelling units that are owned by the Housing Authority of the City of Easton shall be exempted from the requirements of this article for a regularly scheduled City inspection if the City Codes Enforcement Administrator annually determines in writing that the Housing Authority's inspection program is sufficient for serving the purposes of this article. Dwellings owned by the Housing Authority shall be required to comply with requirements of this article concerning evictions, disruptive conduct reports and/or other provisions of this article, unless such provision is specifically preempted by federal law.

(4) The registration of each residential rental unit shall be executed on a form provided by the City.

(5) The owner or manager shall:

(a) Maintain a current list of all occupants age 18 or older in each regulated rental unit, which shall include their name, address and telephone number;

(b) Furnish such list to the City annually in writing with license/registration renewal of each year; and

(c) Notify the City in writing of any changes in the number or names of occupants age 18 or older within 30 days after a change.

B. Registrations, licenses and fees.

(1) Each residential rental registration or license shall have an annual term, and each regulated rental unit shall be subject to a minimum of at least one inspection every four years, based upon a schedule established by the Chief Codes Enforcement Administrator. The Chief Codes Enforcement Administrator shall establish four geographic areas and require that regulated rental units in each of those geographic areas be made available for inspection in the designated year and then reinspected on a schedule of one inspection every four years. The City is not obligated to complete all inspections within this schedule. If the City, through no fault of the owner, manager or tenant, was not able to complete an inspection in a regulated rental unit in the designated year, the City may inspect the unit in one or more following years.

(2) Upon registration of each residential rental unit, each applicant shall pay to the City an annual registration fee.

(a) The annual fee for a residential rental unit shall be as stated in Chapter 285, Fees. The fee for a calendar year shall be paid by August 15 of each year. If the annual fee is not paid by August 15, an additional fee as stated in Chapter 285, Fees, shall apply. A registration of each residential rental unit

must be received by the City no later than October 15 of each year. The registration fee is intended to cover the City's actual costs for administering the program and for inspections and related vehicle, office, administrative and overhead expenses. [Amended 8-8-2007 by Ord. No. 4998]

(b) Subsequent to the initial inspection as required by this article and relative to the violations, a re-check inspection, if so required, will be executed by the Code Enforcement Officer at no additional cost.

(c) If a second inspection is needed for a dwelling unit or rooming house unit because the unit was found to be in violation of City codes during both the initial inspection and subsequent re-check inspection, then an additional fee as stated in Chapter 285, Fees, shall apply. For each subsequent inspection that is needed in any four-year period, an additional fee as stated in Chapter 285, Fees, shall apply.

(d) The fee to reinstate a revoked residential rental license shall be as stated in Chapter 285, Fees, per dwelling unit or per rooming house building.

(e) The fees provided in Chapter 285, Fees, may be revised by ordinance of City Council. [Amended 2-11-2009 by Ord. No. 5180]

(f) A residential rental license shall not be issued or renewed if the owner has not paid any fines and costs arising from enforcement of this article or any codes of the City of Easton relating to land use and/or code enforcement or if any licensing fees under this article are past due to the City.

(g) If a second or subsequent inspection is needed for a dwelling unit or rooming house unit because the Code Enforcement Officer was not able to enter the unit at the time that had been scheduled with the owner or manager, then an additional fee will be charged as stated in Chapter 285, Fees.

(3) A license or inspection by itself shall not warrant that a rental unit is lawful, safe, habitable or in compliance with all City codes.

C. Inspection.

(1) Each regulated rental unit shall be subject to inspection by the Code Enforcement Officer or another duly authorized agent of the City under the schedule outlined in this article.

(2) City Code Enforcement Officers are the officials authorized to enforce this article and to take appropriate measures to abate violations hereof for and on behalf of the City of Easton.

(3) This article shall not be construed as to limit the Code Enforcement Officer's authority to conduct inspections or enforcement actions under other City codes or to require that a property be made available for inspection whenever there is probable cause that a violation of City codes may be present.

(4) To minimize disruption to occupants, owners and managers are encouraged to ask to attempt to schedule inspections during times when a rental unit is unoccupied between tenants.

D. Warrant. Within the limitations of federal and state law, a Code Enforcement Officer may apply to a Magisterial District Judge having jurisdiction for an administrative search warrant to enter and inspect a regulated rental unit and the premises. Such warrant is only required where access to a regulated rental unit or common areas is denied to the Code Enforcement Officer after a request.

**§ 456-19. Failure to register or obtain a license and nonrenewal or revocation of license.**

A. General. A Code Enforcement Officer may initiate the following enforcement actions against an owner for violating any provision of this article that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided for herein.

B. Responses to violations of this article and other City codes.

(1) Notice of violations. At the time of the initial inspection, the Code Enforcement Officer shall provide to the owner or manager the written notification of violations of City codes and require that violations be corrected within a reasonable maximum time period as established by the Code Enforcement Officer. The signature of the owner or manager on the written notification of violations in acknowledgement of receipt of same is required at the time.

(a) A Code Enforcement Officer may determine that the rental unit is unfit for human habitation, in which case it shall be vacated and remain vacated until such situation is corrected.

(b) For serious violations that do not require the property to be immediately vacated, a Code Enforcement Officer may require that the violations be corrected within 24 hours or another time period stated on the notice.

(2) Nonrenewal. A Code Enforcement Officer shall delay or deny the renewal of a residential rental license if there are outstanding violations of City codes for that rental unit that have not been corrected at the time of license renewal. If the violations are not a threat to the safety of occupants or other members of the public, a Code Enforcement Officer shall permit the current occupants to continue to reside in the premises for a reasonable period of time established by a Code Enforcement Officer in the notice of nonrenewal, with the time limit removed when the violations of City codes are corrected.

(3) Revocation. The immediate revocation of the license to rent a regulated rental unit shall occur if a Code Enforcement Officer determines that violations of City codes present a threat to the safety of occupants or other members of the public. Such revocation shall occur until violations of City codes are corrected and the property has been reinspected. Upon revocation, the owner shall take immediate steps to evict the occupants and/or to locate alternative housing for the occupants.

(a) A Code Enforcement Officer may revoke the license to rent a regulated rental unit if the owner or his/her designated manager are not available or do not respond to contacts by a Code Enforcement Officer, or if the name and contact information for the owner or manager are no longer valid, or if the manager no longer represents the owner.

(4) Reinstatement. A residential rental license shall be reinstated if the owner of a regulated rental unit corrects the reason for the revocation of the residential rental license and has paid the residential rental license reinstatement fee.

C. Criteria for applying penalties.

(1) The Code Enforcement Officer, when deciding upon the penalties provided in this article, shall consider the following:

(a) The effect of the violation on the health and safety of occupants of the regulated rental unit, other residents of the premises, and neighboring residents.

(b) Whether the owner has prior violations of this article and whether those violations were satisfactorily corrected in a timely manner.

(c) The effect of penalties upon the occupants, particularly when the occupants did not cause the violation.

(d) The actions taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner and good faith efforts of the owner to bring the property into compliance.

D. In addition to enforcing penalties set forth above, a Code Enforcement Officer may establish reasonable conditions upon a residential rental license that will fulfill the purposes of this article.

E. Grounds for imposing penalties. Any of the following may subject an owner to penalties as provided for in this article:

(1) Failure to register a residential rental unit by the date as set forth in this article.

(2) Failure to abate a violation of City codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.

(3) Refusal to permit the inspection of the premises by a Code Enforcement Officer as required by this article.

(4) Failure to take steps to remedy and prevent violations of this article by occupants of regulated rental units as required by this article.

(5) Failure to evict occupants after having been directed to do so by a Code Enforcement Officer as provided for in this article.

F. Notifications for failure to register a residential rental unit or to be granted a license and nonrenewal or revocation of license. Following a determination that a residential rental unit has not been registered or that grounds for not granting a license, nonrenewal or revocation of a license exist, a Code Enforcement Officer shall notify the owner or manager of the action to be taken and the reason therefor.

(1) Such notification shall be in writing, addressed to the owner or manager in question, sent by certified mail, and shall contain the following information:

(a) The address of the premises in question and identification of the affected regulated rental unit(s).

(b) A description of the violation which has been found to exist.

(c) A statement that the residential rental unit has not been registered, or that the license for said residential rental unit(s) will not be granted, shall be revoked, or will not be renewed for the next license.

(d) Time deadlines shall be provided in the notice.

(e) Information regarding the appeal process.

(2) The City shall not be responsible for failing to provide notice where the owner has not provided an up-to-date name and address for the owner or the manager for the rental unit.

(3) For purposes of this article, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

(4) There shall be a presumption that any notice required to be given to the owner under this article shall have been received by such owner if the notice was given to the owner in the manner provided by this article.

(5) A claimed lack of knowledge by the owner of any violation hereunder cited shall not be a defense to rental license nonrenewal, suspension or revocation or an eviction order as long as all required notices involving such proceedings have been sent to the last known address of the owner.

(a) In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Code Enforcement Officer shall post the notice at a conspicuous place on the premises.

G. Appeals.

(1) Any person affected by a decision, notice or order of a Code Enforcement Officer under this article shall have the right to appeal to the City of Easton Property Maintenance Board of Appeals. An application for appeal may be made when it is claimed that the provisions of this article have been improperly applied or administered or that factual errors were made by the Code Enforcement Officer, or for such other grounds under this article as the applicant may allege. A written application for appeal is required to be filed within 20 days after the day the decision, report, notice or order was received or served. A fee as specified in Chapter 285, Fees, shall be paid in advance by the person requesting the hearing for each appeal to the Property Maintenance Board of Appeals. If the appeal is found in favor of the applicant, then such fee shall be returned to the person or entity that paid it. [Amended 2-11-2009 by Ord. No. 5180]

(2) The Property Maintenance Board of Appeals shall also hear all appeals of enforcement matters under the City of Easton's Existing Structures Code. The appeal provisions in such code are hereby included by reference.

(3) The Property Maintenance Board of Appeals is hereby established and shall consist of five members who are appointed by the Mayor of Easton, with confirmation required by City Council. No more than two members shall be employees of the City of Easton. A minimum of one member shall own rental housing in the City of Easton. The members shall serve staggered three-year terms, with at least one term ending each year.

(a) A minimum of three votes shall be needed in any action by the Board. A two-to-two vote shall be considered to have been an affirmation of the determination of the Code Enforcement Officer.

[Amended 5-14-2008 by Ord. No. 5091]

(b) Two alternate members of the Property Maintenance Board of Appeals may also be appointed by the Mayor, who may be named by the Chairman of the Board to serve when regular members are unable to serve.

(c) Decisions of the Property Maintenance Board of Appeals may be appealed to the Court of Common Pleas, provided a notice of appeal is filed in writing with the City's Solicitor's office within 30 days after a party's receipt of the decision of the Property Maintenance Board of Appeals.

(d) The Property Maintenance Board of Appeals shall have the authority to elect its own officers and to establish and revise bylaws for its own procedures, actions and meetings.

(e) Decisions of the Property Maintenance Board of Appeals shall be provided in writing to the Chief Codes Enforcement Administrator and to the last known address of the owner, the manager, if applicable, and the affected occupant within 10 days after the conclusion of a hearing on a matter.

(f) Any compensation for the members of the Property Maintenance Board of Appeals shall require approval by City Council.

(g) A stenographic record is not required for meetings of the Property Maintenance Board of Appeals. Minutes shall be maintained, and a tape recording of meetings may occur.

(4) Other boards. The City of Easton Board of Health shall continue to hear appeals concerning health regulations. The City of Easton Zoning Hearing Board shall continue to hear appeals concerning the Zoning Ordinance. The City of Easton Code Board of Appeals shall continue to hear appeals as provided in Chapter 245, Article II, Uniform Construction Codes, of the Code of the City of Easton.

#### **§ 456-20. Violations and penalties.**

A. Basis for violation. It shall be unlawful for any person, as either owner or manager of a regulated rental unit, to operate without a valid, current residential rental registration or license issued by the City authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a regulated rental unit to exceed the maximum number allowed by City codes, or to violate any other provision of this article. It shall be unlawful for any owner, manager or occupant to violate this article.

B. Penalties.

(1) The penalties and remedies for a violation of the City's Existing Structures Code shall be as established in such code.

(2) Any person who violates a provision of this article shall, upon conviction thereof before a Magisterial District Judge, be liable to pay the following penalties:

(a) First violation on a lot with no prior violations in the previous 12 months: a fine of \$200;

(b) Second violation on a lot within a twelve-month period: a fine of \$500;

(c) Third and each subsequent violation on a lot within a twelve-month period: a fine of \$1,000.

(d) For each week that a violation continues to exist after the time limit established for correction of the violation by a Code Enforcement Officer, a separate violation shall have been deemed to occur, requiring an additional fine.

(3) In addition, an eviction of occupants of a regulated rental unit may be required under provisions of this article, and the residential rental license that grants the privilege to rent a regulated rental unit may be revoked, suspended or withdrawn.

C. Nonexclusive remedies. The penalty provisions of this article and the license nonrenewal, suspension and revocation procedures provided in this article shall not limit the ability of the City to enforce other City ordinances and to utilize the penalties, remedies and procedures provided under such other City ordinances and state law.

#### **§ 456-21. Miscellaneous provisions.**

A. Changes in ownership/occupancy.

(1) Each owner of a regulated rental unit shall notify the Code Enforcement Officer 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 Code Enforcement Officer 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 article. Failure to so notify the Code Enforcement Officer shall be considered a violation of this article.

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 article and shall be separately subject to prosecution for the violation of this article.