

**File of the
Council of the City of Easton, Pa.**

Ordinance No. 4954

SESSION 2007

Bill No. 40

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Introduced by: Pamela Panto – April 11, 2007
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Enacted by Council: April 25, 2007
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AN ORDINANCE: Amending Article 1727, Residential Rental Licensing and Inspection of the Codified Ordinances of the City of Easton, Pa.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA.

SECTION 1. Existing Article 1727, Residential Rental Licensing and Inspection of the Codified Ordinances of the City of Easton, Pa., be and it is hereby repealed in its entirety and replaced with Exhibit "A" (copy attached hereto).

SECTION 2. All Ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

SECTION 3. This ordinance shall take effect 20 days following passage by Council and approval by the Mayor.

Signed the 25th day of April, 2007

BY: Sandra P. Vulcano
President of City Council

ATTEST: Thomas A. Fera
City Clerk

This ordinance approved this 26 day of April, 2007

P. Britton
Mayor

EXHIBIT "A"

ARTICLE 1727 RESIDENTIAL RENTAL LICENSING AND INSPECTION

1727.01 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 over-crowding, and to avoid nuisances for neighboring residents; and
 - (4) To provide for a system of inspections; issuance and renewal of licenses; and 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.

1727.02 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 Existing Structures Code or Construction Code, then that definition shall apply to this Article. If a term is not defined in any of those codes, but is defined in the City Planning and Zoning Code, then the definition in such Code shall apply to this Article.
- (1) **Business Days** - Days in which the offices of the City of Easton are open for public business.
 - (2) **City** - The City of Easton, Northampton County, Pennsylvania.
 - (3) **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 Existing Structures Code, the Electrical Code, the Construction Codes, solid waste and water ordinances, public health ordinances, and noise control ordinances.
 - (4) **Code Enforcement Officer** - The duly appointed Code Enforcement Officer(s) having the duty to enforce this Article, the City Existing Structures Code and similar codes of the City of Easton, and any assistants or deputies thereof.
 - (5) **Common Area** - In Multi-Unit 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.
 - (6) **Disruptive Conduct** - A form of conduct, action, incident or behavior perpetrated, caused or permitted by an Occupant or Guest of a Regulated Rental Unit that is:
 - 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.

In order for such Disruptive Conduct to constitute an offense under this Article, a written report must be issued by a sworn Police Officer and notice must be sent to an Occupant, the Owner or Manager, and a copy will be provided to the Office of Residential Rental Properties Licensing and Inspection.

- (7) Disruptive Conduct Report - A written Report of "Disruptive Conduct" that is completed by a Police Officer who investigated the matter.
- (8) Dwelling - A building including one or more Dwelling Units.
- (9) 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.
- (10) Guest - A Person on the premises of a Regulated Rental Unit with the actual or implied consent of an Occupant.
- (11) Landlord - This term shall have the same meaning as "Owner."
- (12) 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.
- (13) Multi-Unit Building - A building containing two or more dwelling units that are not completely separated from each other by vertical party walls.
- (14) Occupant - An individual who resides in a Regulated Rental Unit.
- (15) Owner - One or more Person, 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.
- (16) Owner-Occupied Dwelling Unit - A Dwelling Unit in which at least one owner of record of the property resides as his/her primary dwelling.
- (17) Person - A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.
- (18) Police - Sworn law enforcement officers of the Police Department of the City of Easton or the Pennsylvania State Police.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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

- (23) 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.
- (24) 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.
- (25) 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, grand-child, great-grand-child, grand-parent, great-grand-parent, aunt, uncle, or any of these same relationships in a "step-" or "in-law" situation.

1727.03 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 Section 1727.05 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 Ordinance.
 - (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 to, 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 Owners Agent shall accompany the Code Enforcement Officer in all scheduled inspections at the property conducted under this program.
- (b) Designation of Manager.
 - (1) If the Owner is not a full-time resident of the City of Easton or lives within a 30 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 30 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 30 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 30 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 day time 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 5 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.
- (f) The Owner and Occupants shall comply with all provisions of the Pennsylvania Landlord-Tenant Act.
- (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 that an Occupant(s) of a Regulated Rental Unit is involved in a third Disruptive Conduct violation within any three year period during which a Residential Rental License was required, the Code Enforcement Officer shall provide a written notice to the Owner or his Manager that the property shall be vacated. Police shall be provided with a copy of said notice. Occupants shall be responsible to prevent their guests from engaging in Disruptive Conduct on the premises. The Owner shall begin eviction proceedings within 15 days after receiving such notice and shall continue such proceedings to completion, without interruption, unless the Occupants vacate the premises. 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 boarding/rooming house unit that is owned by the same person or entity within the City of Easton.
- (1) Failure of an Owner to comply with a Vacate the Premises Notice shall result in the suspension or revocation of the Residential Rental License and shall be a violation of this Ordinance.
 - (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) A requirement to evict Occupants shall not apply if a successful appeal is made to the Property Maintenance Board of Appeals, or if the District Magistrate rules in the Occupant's favor during eviction proceedings, or where a court appeal or other legal

- action has been filed that would lawfully prevent eviction.
- (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 3 years and shall be available for public review.
- (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 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 non-renewal 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 7 calendar days notice have been provided to the Owner or Manager. The Owner or Manager shall provide a minimum of 3 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 Section 1727.05.

1727.04 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 3 "unrelated persons" (as defined in Section 1727.02) 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 Section 1727.02)
 - (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.
 - (2) When Police investigate an alleged incident of Disruptive Conduct, the Police Officer 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 provided in this Report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the Disruptive Conduct, Witnesses that will be required to testify in any and all proceedings, and the factual basis, verified by the Police Officer for the Disruptive Conduct.
 - (3) When a Police Officer issues a Disruptive Conduct Report concerning a Regulated Rental Unit, a copy shall be provided by the Police to the Office of Residential Rental Properties Licensing and Inspection which shall maintain records of such reports. The Police Officer shall mail a copy of the Disruptive Conduct Report to an Occupant and the Owner.

- (4) A criminal or civil citation is not required in order for a Disruptive Conduct Report to be issued.
- (5) If a citation is issued and successfully prosecuted or a guilty plea entered before a District Justice, such citation may automatically be considered a Disruptive Conduct Report. However, if an appeal of a citation is filed from a decision of a District Justice, the matter shall not be deemed to constitute Disruptive Conduct unless a finding of guilty is affirmed by a final decision on appeal.
- (e) **Damage to Premises.** The Occupant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the Premises. Conduct which results in damages in excess of \$500.00 shall be considered Disruptive Conduct under this Article.
- (f) **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 Section 1727.05 and 1727.03(l).

1727.05 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 June 30 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.
 - a) A Residential Rental License shall not be issued or renewed until:
 - (i) A Business License has been obtained.
 - (ii) 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
 - (iii) 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.
 - 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 or and 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 Code Enforcement Administrator. The Chief Code 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 re-inspected 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 Article 109. The fee for a calendar year shall be paid by June 30th of each year. If the annual fee is not paid by June 30th, an additional fee as stated in Article 109 shall apply. A Registration of each residential rental unit must be received by the City no later than August 31st 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.
 - b) Subsequent to the initial inspection as required by this Ordinance 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 Article 109 shall apply. For each subsequent inspection that is needed in any four-year period, an additional fee as stated in Article 109 shall apply.
 - d) The fee to reinstate a revoked Residential Rental License shall be as stated in Article 109 per dwelling unit or per rooming house building.
 - e) The fees provided in Article 109 may be revised by written resolution of City Council.
 - 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 Ordinance 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 Codes 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 Article 109.
 - (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 Ordinance 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 District Justice 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.

1727.06 FAILURE TO REGISTER OR OBTAIN A LICENSE AND NON-RENEWAL 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) Non-Renewal - 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 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 Non-Renewal, 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 re-inspected. 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 Code 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 Ordinance.
 - (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 Non-Renewal or Revocation of License.** Following a determination that a Residential Rental Unit has not been registered or grounds for not granting a license, non-renewal, 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 non-renewal, 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 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 of \$200 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.

- (2) The Property Maintenance Board of Appeals shall also hear all appeals of enforcement matters under the City of Easton 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 3 year terms, with at least one term ending each year.
 - a) A minimum of 3 votes shall be needed for any action by the Board, such as to delete a Disruptive Conduct Report or to halt an order for eviction. A 2 to 2 vote shall be considered to have been no action, in which case the determination of the Codes Enforcement Officer shall stand.
 - 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 Title Seventeen - the Building Code section of the City's Codified Ordinances.

1727.07 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 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 District Magistrate be liable to pay the following penalties:
 - a) First Violation on a lot with no prior violations in the previous twelve months- A

- fine of \$200.00;
 - b) Second Violation on a lot within a twelve month period – A fine of \$500.00;
 - c) Third and each subsequent violation on a lot within a twelve month period - A fine of \$1,000.00.
 - 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) **Non-exclusive Remedies.** The penalty provisions of this Article and the License non-renewal, 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.

1727.08 MISCELLANEOUS PROVISIONS

- (a) **Changes in Ownership/Occupancy.**
- (1) Each Owner of a Regulated Rental Unit shall notify the Code Enforcement Officer in writing within 5 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 5 business days after the changing of a Dwelling Unit from Owner-Occupied to being a Regulated Rental Unit for purposes of this Ordinance. Failure to so notify the Code Enforcement Officer shall be considered a violation of this Ordinance.
- (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 Ordinance, and shall be separately subject to prosecution for the violation of this Ordinance.
- (c) **Severability.**
If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid by a court of law, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.