

**PULASKI TOWNSHIP
ORDINANCE NUMBER 237**

AN ORDINANCE OF THE TOWNSHIP OF PULASKI, BEAVER COUNTY, PENNSYLVANIA REPEALING IN WHOLE ORDINANCE NUMBER A109, ADOPTED APRIL 9, 1989 (AS CODIFIED IN THE PULASKI TOWNSHIP CODE OF ORDINANCES IN CHAPTER 11, PART 1); ORDINANCE NUMBER 228 ADOPTED NOVEMBER 14, 2005; ORDINANCE NUMBER 233 OCTOBER 13, 2008; AND IN LIEU THEREOF ADOPTING THE FOLLOWING ORDINANCE WHICH ESTABLISHES A REQUIREMENT FOR LANDLORDS TO REGISTER RENTAL UNITS AND TENANTS THEREIN; PROVIDING FOR THE INSPECTION OF SUCH UNITS AND FOR DISRUPTIVE TENANTS AND PROVIDING PENALTIES FOR ANY VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED, by the Township of Pulaski, Beaver County, Pennsylvania, and it is hereby acted and ordained by the authority of the same as follows:

Section I – Purpose and Intent.

The Township of Pulaski recognizes the need for a registration program for residential rental units located within the Township in order to insure rental units meet all applicable building, existing structures, fire, health, safety and zoning codes and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the Township. The Township recognizes that the most efficient system is to creation of a program requiring the registration of residential rental units within the Township as defined in the Ordinance, so that an inventory of rental properties and a verification of compliance can be made by Township Officials. Further, providing for the eviction of repeatedly disruptive tenants therein.

Section II – Definitions.

- 1) Disruptive Conduct – Any form of conduct, action, incident, or behavior perpetrated, caused, or permitted by any occupant or visitor of a regulated dwelling unit that is so loud, untimely (time of day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility of their peaceful enjoyment of their premises such that a report is made to police complaining of such action, conduct, incident or behavior. It is not necessary that such action, conduct, incident, or behavior constitutes a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused, or permitted the commission of disruptive conduct as defined herein. Provided, however, it shall be deemed to have occurred unless if police

investigate and make a determination that such did occur and make a record of such occurrence.

- 2) Disruptive Conduct Report – A written report of disruptive conduct on a form to be prescribed therefore, to be completed by the police who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.
- 3) Dwelling – A building having one or more dwelling units.
- 4) Dwelling Unit – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- 5) Guest – A person on the premises with the actual or implied consent of an occupant.
- 6) Illegal Activities – The occupant shall not engage in nor tolerate nor permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code and the Controlled Substances, Drug, Device and Cosmetic Act.
- 7) Landlord or Lessor – Any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- 8) Law Enforcement Officer – Shall have the meaning as set forth in the Pennsylvania Rules of Criminal Procedure.
- 9) License Officer – the Code Enforcement Officer or other designated Township Official.
- 10) Multi Family Dwelling – A building containing three (3) or more independent dwelling units, including, but not limited to, double house, row houses, townhouses, condominiums, apartment houses, and conversion apartments.
- 11) Occupancy License – The license issued to the owner of regulated rental units under this Ordinance, which is required for the lawful rental and occupancy of regulated rental units.
- 12) Occupant – An individual who resides in a regulated rental unit, wither or not he or she is the owner thereof, with whom a legal relationship with the owner is established by a written lease or by the laws of the Commonwealth of Pennsylvania.
- 13) Owner – One or more persons, jointly or severally, in whom is vested all or part of legal title to the premises, or all or part of the beneficial ownership and a right

to present use and enjoyment of the premises, including, but not limited to, a mortgage holder in possession of a regulated rental unit.

- 14) Owner-Occupied Rental Unit – A rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.
- 15) Peaceful Enjoyment – The occupant shall conduct him or herself and require other persons, including, but not limited to, guests on the premises and within his or her regulated rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.
- 16) Person – A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.
- 17) Police – The New Brighton Area Police Department or any properly authorized member or officer thereof, or any other law enforcement agency having jurisdiction with the Township of Pulaski.
- 18) Premises – Any parcel of real property in the Township of Pulaski, including the land and all buildings and appurtenant structure or appurtenant elements on which one or more regulated rental units is located.
- 19) Regulated Rental Unit – Any dwelling unit that is rented, leased, let out, or otherwise permitted to be occupied by a person(s) other than the owner. Vacant dwelling units are classified as regulated rental units.
- 20) Rental Agreement – An agreement, written or oral, between owner and occupant.
- 21) Rental Units – Any dwelling unit or residential structure containing sleeping Units; including, but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year, or any other term. Hotels, motels and bed and breakfast establishments shall be exempt from this ordinance.
- 22) Residential Use – The occupant shall, unless otherwise permitted by applicable law, ordinance, or by the Township of Pulaski, occupy or use his or her regulated rental unit for no other purpose than as a residence.
- 23) Responsible Local Agent – a natural person having his or her place of residence in the State of Pennsylvania and/or a professional, licensed real estate management firm with an office located in the State of Pennsylvania and has been granted legal authority by the property owner in accordance with the laws

of the Commonwealth as the agent responsible for operating such property in compliance with the ordinances adopted by the Township.

- 24) Single-Family Dwelling – A detached building containing one dwelling unit, designed and intended to be occupied by one family for living purposes.
- 25) Two-Family Dwelling – A detached building containing two dwelling units, each entirely separate from each other, designed and intended to be occupied for living purposes.
- 26) Tenant – Any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.
- 27) Township – The Township of Pulaski, or any of its designees and the Public Safety Code Enforcement Officers of the Township.

Section III – General.

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

PART I

Section IV – Permit Requirement.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied within the Township without first obtaining a rental permit from the Licensed Officer.

- 1) A permit can be acquired after the owner of the rental unit shall have registered the rental unit with the Township by fully completing and filing a current registration form provided by the Township, as provided in Section IV of this Ordinance.
- 2) A permit will be denied unless all of the following requirements are met:
 - a. All requirements of Section V pertaining to inspection are met.
 - b. All fees charged by the Township for the registration of the rental unit shall be paid in full.
 - c. All real estate, business taxes and housing court judgments are paid in full.
 - d. The owner or responsible local agent of the rental unit shall provide the Township a document which states the name(s), and telephone number(s) of the leaseholders

who will occupy the unit. It shall also provide the length of their occupancy. This information shall be supplied annually in accordance with Section IV.

Section V - Permit Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied without first registering the rental unit with the Township and designating a responsible local agent.

(a) Registration Forms.

Registration shall be made upon forms furnished by the Township and shall require all of the following information:

- (1) The street address and block and lot number of the rental unit(s);
- (2) The number and types of rental units within the rental property.
- (3) Name, residence address, telephone number, and where applicable, an e-mail address, mobile telephone number and facsimile number of all property owners of the rental unit(s);
- (4) Name, residence address, telephone number, and where applicable, an e-mail address, mobile telephone number and facsimile number of the responsible local agent designated by the owner.
- (5) The maximum number of tenants permitted for each rental unit;
- (6) The name, telephone number of all lease-holders, number of occupants and the termination date of the lease

(b) Accurate and Complete Information.

All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by the property owner(s) or the designated responsible local agent, where applicable. When the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. When more than one person has an ownership interest, the required information shall be provided for each owner.

(c) Change in Registration Information or Transfer of Property.

- (1) Except for a change in the registered local agent, the property owner of a rental unit registered with the Township shall re-register within sixty (60) calendar days after any change occurs in the registration information.

- (2) If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within sixty (60) calendar days following the transfer of the property.
- (3) Property owners shall notify the Township of any change in the designation of the registered local agent, including a change in name, address, E-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within five (5) business days of the change.
- (4) A change in the lien-holder or tenants shall be made upon annual registration.

(d) Registration Term and Renewals.

Registration of a rental unit shall be effective for one year. All registrations shall expire on September 30th of each year. The property owner shall re-register each rental unit with the Township thirty (30) calendar days prior to the expiration of the registration of the rental unit (August 31st of each year).

(e) Responsible Local Agent.

The designated responsible local agent shall be responsible for all of the following:

- (1) Operating the registered rental unit in compliance with all applicable Township Ordinances;
- (2) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable Township Ordinances;
- (3) Maintaining a list of the names and numbers of occupants of each rental unit for which he or she is responsible; and
- (4) Accepting all legal notices or services of process with respect to the rental unit.

Section VI - Inspections.

(a) Basis for Inspections.

Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following:

- (1) A complaint received by the Township of Pulaski, or any law enforcement agency, indicating that there is a violation of the standards or the provisions of any Ordinance adopted by the Township, county, or any state law;
- (2) An observation by any law enforcement officer or of any member of the Pulaski Volunteer Fire Department of a violation of the standards or the provisions of any Ordinance adopted by the Township or any state law;
- (3) A report or observation of a dwelling unit that is unoccupied and unsecured or a dwelling that is damaged by fire;
- (4) The failure to register or comply in any manner with the provisions as required by this Ordinance;
- (5) The need to determine compliance with a notice or an order issued by the Township;
- (6) An emergency observed or reasonable believed to exist;
- (7) A request for an inspection by the property owner; or
- (8) Requirements of law where a dwelling is to be demolished by the Township or where ownership is to be transferred to the Township.

(b) Inspection Procedures.

- (1) Once the Township of Pulaski has determined that a rental unit is in compliance with all of the Ordinances adopted by the Township and state law, the inspection required for issuance of a Certificate of Safety shall be satisfied. The inspection shall then be valid for a period of two years from the date the Certificate of Safety is issued.
- (2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable Township and State Codes and Ordinances, the Township shall provide the registered local agent and/or owner with written notice of such violations. The Township of Pulaski shall set a re-inspection date before which such violations shall be corrected. If such violations have been corrected within that period, the inspection required for issuance of a Certificate of Safety and rental permit shall be satisfied. If such violations have not been corrected within that period, the Bureau of Building Inspection shall not issue the Certificate of Safety and rental permit, and may take any action necessary to enforce compliance with applicable Township and State Codes and Ordinances.
- (3) If there is a complaint filed on a property with the Township of Pulaski, the owner and/or responsible local agent will be notified in writing. In the

event that the complaint is of an emergency nature, as determined by any Township Official, it will require immediate compliance with adopted Building code. If the complaint is not of an emergency nature, the owner will have a period of time as legally prescribed by the Township to correct such violation, after which a re-inspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected, will be required.

- (4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.
- (5) Where a re-inspection must be made to ensure conformity with this Ordinance for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection when the violation has not been abated or corrected, this may not be waived.
- (6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and no inspection shall be completed until the inspection fee is paid in full.
- (7) Access to property for inspection shall be made in accordance with State and Federal laws.

Section VII - Posting of the Rental Permit or Notice of Non-Compliance.

- (a) The rental permit shall be displayed in a conspicuous place in each rental unit at all times, along with the name, address and telephone number of the responsible local agent.
- (b) If the owner does not comply with this Ordinance, a Notice of Non-Compliance may be placed on the building in a manner determined by the Township.

Section VIII - Voluntary Inspections and Certificate of Safety.

- (a) An owner of a registered rental property may obtain a Certificate of Safety from the Township providing there are no violations, by voluntarily having their property inspected by the Township for a fee or a private inspection firm that has been preapproved by the Township.
- (b) The Certificate of Safety shall contain the specific items that the property has been Inspected for and performed in a manner determined by the Township.
- (c) The certificate of Safety shall be valid for a period of two (2) years.

(d) The Township shall maintain no liability in regards to the Certificate of Safety.

Section IX - Fees.

- (a) The Township Supervisors shall establish, by Resolution, an appropriate fee for rental permit registration and inspections and may review and increase such fees on an annual basis.
- (b) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.
- (c) Where a re-inspection must be made to ensure conformity with this Ordinance for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection only when it is found that the violation has not been abated or corrected.
- (d) In order to assure that funds are available to provide an adequate number of staff for appropriate enforcement and enactment of this Ordinance all fees shall be deposited in a rental permit account in the General Fund that shall be established by the Township Supervisors.

Section X - Maintenance of Records.

All records, files and documents pertaining to the Rental Registration and Licensing and Rental Unit Inspection Program shall be maintained by the Township, and all or portions of such documents shall be made available to other appropriate Township Departments and the public in accordance with the applicable provisions of Pennsylvania Law.

PART II

Section XI – Owner’s Duties.

- (a) It shall be the duty of every OWNER of every SINGLE FAMILY DWELLING, TWO-FAMILY DWELLING, and/or MULTI-FAMILY DWELLING, to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable state laws and regulations and local ordinances and to keep such property in good and safe condition.
- (b) In no case shall the existence of any agreement between OWNER and OCCUPANT absolve or negate any responsibility of any party under this Chapter or other ordinances or codes for maintenance of PREMISES.

- (c) Every OWNER shall be responsible for regulating the proper and lawful use and maintenance of every DWELLING which he, she, or it owns. As provided for in this Part, every OWNER shall also be responsible for regulating the conduct and activities of the occupants of every REGULATED RENTAL UNIT which he, she, or it owns in the Township.
- (d) Following the effective date of This Ordinance, a summary of this Ordinance, shall be attached to each RENTAL AGREEMENT delivered by or on behalf of an OWNER when any such agreement is presented for signing to any OCCUPANT.

Section XII – Occupant's Duties.

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

Section XIII – Disruptive Conduct.

- (a) When POLICE investigate an alleged incident of DISRUPTIVE CONDUCT, the investigating officer shall complete a DISRUPTIVE CONDUCT REPORT, upon finding that the reported incident did, in his or her judgment, constitute DISRUPTIVE CONDUCT as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the DISRUPTIVE CONDUCT and all other obtainable information including the factual basis for the DISRUPTIVE CONDUCT requested on the prescribed form. Where the POLICE make such an investigation, said police officer shall then submit the completed DISRUPTIVE CONDUCT REPORT to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the DISRUPTIVE CONDUCT REPORT to the OWNER within three working days of the occurrence of the alleged DISRUPTIVE CONDUCT. The third occurrence of disruptive conduct within a one (1) year period will result in automatic eviction.

Section XIV – Notice of Violation.

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

PART III

Section XV – Penalty.

Violation of any part of this Ordinance shall be a summary offense. The fine for each separate violation shall be a fine not to exceed \$1,000 per each unit per each month that a rental unit is not registered or inspected as required by this Ordinance, plus any fees that have been charged for inspection if applicable. Inspection fees shall not be waived or reduced. Further, the penalty shall be the same for any violation of Part II of this Ordinance.

Section XVI - Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section XVII - Repeal.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

ENACTED AND ORDAINED this 10th day of September, 2012.

Township of Pulaski

Secretary

by: _____
Chairperson