

BOROUGH OF LITITZ
Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF LITITZ, TO ADD A RESIDENTIAL RENTAL UNIT REGULATION, TO PROVIDE REQUIREMENTS FOR THE LICENSING AND INSPECTION OF RESIDENTIAL RENTAL UNITS AND TO REQUIRE AN OWNER/MANAGER TO INSURE THAT OCCUPANTS COMPLY WITH APPLICABLE CODES AND REGULATIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Lititz, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Lititz, Residential Rental Unit Regulation, shall be inserted which shall provide as follows:

RESIDENTIAL RENTAL UNIT REGULATION

101. PURPOSE AND SCOPE.

The purpose of this Regulation and the policy of the Borough of Lititz shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of Owners and to Occupants relating to Residential Rental Units in the Borough and to encourage Owners and Occupants to maintain and improve the quality of rental housing within the Borough. As a means to these ends, this Regulation provides for a systematic inspection program, registration and licensing of Residential Rental Units, and penalties. In considering the adoption of this Regulation, the Borough makes the following findings:

1. There is a greater incident of problems with the maintenance and upkeep of residential properties which are not Owner-occupied as compared to those that are Owner-occupied.
2. The Borough is concerned with the condition of a property when EMS responds, and for the safety of the EMS responders and general safety of the Occupants.
3. The Borough is unaware of the exact number of tenant-occupied residences, with knowledge of such used for the accountability and safety of the Occupants and Owner/Manager.
4. Borough records indicate there are a greater number of disturbances at Residential Rental Units than at Owner-occupied units.

201. DEFINITIONS AND WORD USAGE.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Regulation, have meanings indicated as follows:

BOROUGH – the Borough of Lititz, Lancaster County, Pennsylvania.

CODE ENFORCEMENT OFFICER – a Person designated by Borough Council to enforce this Regulation, including performance of inspections, issuance of Residential Rental Licenses and issuance of citations.

CODES – any state or local code or ordinance adopted, enacted or in effect in and for the Borough including, but not limited to, the Building Code, the Property Maintenance Code, the Zoning Ordinance, Trash Collection, and general nuisance ordinances.

COUNTY – the County of Lancaster

DISRUPTIVE CONDUCT – Any act by an Occupant of a Residential Rental Unit or by a Person present at a Residential Rental Unit involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as Disorderly Conduct in the Pennsylvania Crimes Code or any act which otherwise injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that the criminal charges be filed against any Person in order for said Person to have perpetrated, caused or permitted the commission of Disruptive Conduct, as defined herein. Provided, however, that no Disruptive Conduct shall be deemed to have occurred unless a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrences.

DISRUPTIVE CONDUCT REPORT – a written report of Disruptive Conduct to be completed by a Police Officer who actually investigates an alleged incident of Disruptive Conduct and which shall be maintained by the Code Enforcement Officer.

MANAGER – A Person retained by an Owner to be responsible for one or more Residential Rental Units within the Borough.

OCCUPANT – any Person over one year of age living and sleeping in a Residential Rental Unit or having actual possession of said Residential Rental Unit.

OWNER – The Person who holds record title and/or the equitable Owner under an agreement of sale of a property upon which a Residential Rental Unit is erected or maintained. If more than one Person owns the Residential Rental Unit as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such Person shall be considered an Owner and shall have all of the duties of an Owner under this Regulation.

PERSON – A natural individual, unincorporated association, partnership, corporation, estate, trust or any other legally recognized entity, and the members of such partnership and the officers of such corporation.

PREMISES – Any parcel of real estate within the Borough, including the land and all buildings and appurtenant structures, on which one or more Residential Rental Units are located.

PROPERTY MAINTENANCE CODE – the Borough Property Maintenance Code, adopted as the International Property Maintenance Code of 2009, and any future amendments.

RESIDENTIAL RENTAL LICENSE – a document issued by the Code Enforcement Officer to the Owner of a Residential Rental Unit.

RESIDENTIAL RENTAL UNIT – (i) a Rooming Unit or (ii) a dwelling unit let for rent or (iii) residential unit occupied by any Persons other than one occupied solely by the Owner and members of the Owner's family. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, and each Rooming Unit shall be considered a separate Residential Rental Unit. If a structure contains a Rooming Unit or if any portion of the structure is let for rent, it shall be considered a Residential Rental Unit whether or not the Owner or a relative of the Owner also resides in the structure. A Residential Rental Unit shall not include a hotel unit, excepting, to the extent permitted by applicable federal and state law, units occupied by the same Person or Persons for 30 or more consecutive days. A Residential Rental Unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale.

ROOMING UNIT – a portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

Granting of permission to use shared or common cooking facilities may be associated with the leasing of a Rooming Unit.

301. DUTIES OF OWNERS AND MANAGERS OF RESIDENTIAL RENTAL UNITS.

1. It shall be the duty of every Owner to:
 - A. Keep and maintain all Residential Rental Units in compliance with all applicable Codes and provisions of all applicable federal, state and local laws, ordinances and regulations including, but not limited to the Zoning Ordinance.
 - B. Keep and maintain the Premises in good and safe condition.
 - C. Be aware of, and to act to eliminate Disruptive Conduct in all Residential Rental Units under his/her control.
 - D. Employ policies and to manage the Residential Rental Units under his/her control in compliance with the provisions of this Regulation, and all applicable federal, state and local laws, ordinances and regulations.
 - E. Pay or insure payment of all real estate taxes, sewer rates, water rates, and trash collection fees to insure that such vital utilities are provided.
 - F. Obtain and maintain a Residential Rental License from the Borough for each Residential Rental Unit.
 - G. Within 30 days of new occupancy of any Residential Rental Unit or upon change of occupancy or change in the number of Occupants, provide the Borough with the names of all Occupants of the Residential Rental Unit.
 - H. Provide trash and recyclable collection and disposal services and instruct Occupants of the method of trash and recyclable collection (e.g. curbside or dumpster) and, if applicable, the day of the week of trash and recyclable pickup.
 - I. Provide each Occupant with a disclosure statement containing the requirements of this Regulation. Providing a copy of this Regulation to each Occupant will satisfy this requirement.
 - J. Take all actions necessary to insure that each Residential Rental Unit is occupied by a "Family" as defined by the Lititz Borough Zoning Ordinance.
 - K. Require a written rental agreement for each Residential Rental Unit, which shall contain the names of all permitted Occupants.
 - L. Retain a Manager when this Regulation requires that a Manager be designated.
2. If the Owner has appointed a Manager, the Manager shall be jointly responsible to fulfill all of the obligations set forth in Section 301. No Owner may relieve himself of the responsibility to perform the duties set forth in Section 301 by appointing a Manager.
3. It shall be unlawful for any Person to conduct or operate or cause to be rented either as Owner or Manager any Residential Rental Unit within the Borough without having a Residential Rental License as required by this Regulation.
4. It shall be the responsibility of every Owner and every Manager to display the Residential Rental License in the Residential Rental Unit. The Residential Rental License shall include the following information:

- A. The name, mailing address and telephone number of the Owner or Manager.
 - B. The evenings on which garbage and recycling are to be placed curbside for collection.
 - C. The telephone number to call to register complaints regarding the physical condition of the Residential Rental Unit.
 - D. The telephone number for emergency police, fire and medical services.
 - E. The date of expiration of the Residential Rental License.
 - F. A summary of the Owner's and Occupant's duties under this Regulation.
 - G. A small ID or sticker shall be displayed in a conspicuous window by the front door to provide contact information for property Owner/Manager for use by EMS/Police.
5. No Residential Rental License shall be issued to any Owner residing more than fifty (50) miles from the municipal limits of the Borough unless the Owner provides the Code Enforcement Officer with the name, mailing address and telephone number of a Manager residing within the 50-mile radius, authorized to accept service of process on behalf of the Owner. For the purpose of this Subsection, a post office box is not acceptable for the Manager's address. This designation shall not be valid unless signed by the Owner and the Manager designated to act on behalf of the Owner. The Owner shall notify the Code Enforcement Officer within thirty (30) days of any change in Manager.

401. EXEMPTION FROM LICENSING REQUIREMENTS

- 1. All property owned by the County or any housing authority created by the County which is inspected annually by those agencies to assess conformance with federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the Occupants, shall be exempt from the licensing provisions of this Regulation.
- 2. Dormitories located within a school facility or use and all nursing home facilities and associated cottages are exempt from licensing/inspections.
- 3. If in response to a complaint, an exempt unit is found to be in violation of a Code, the Owner and, if applicable, the Manager shall correct the violation(s) within the time frame cited by the Code Enforcement Officer. If the violation(s) is/are not corrected within a timely manner, the unit shall lose its exemption until the violation(s) is/are corrected. If three (3) verified complaints are received in any twelve (12) month period, the unit shall lose its exemption from the requirement to obtain a license for a period of five (5) years.
- 4. All Occupants of Residential Rental Units, whether or not the Residential Rental Unit is exempt from the licensing requirements of this Regulation, shall be subject to the provisions of Section 501 and Section 601 of this Regulation.

501. DUTIES OF OCCUPANTS OF RESIDENTIAL RENTAL UNITS.

Each Occupant of a Residential Rental Unit shall have the following duties:

- 1. Comply with all obligations of this Regulation and all applicable federal, state and local laws, ordinances and regulations.
- 2. Conduct himself/herself and require other Persons, including, but not limited to, guests on the Premises and within their Residential Rental Unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the Premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

3. Not engage in, nor tolerate, nor permit others on the Premises to cause damage to the Residential Rental Unit or engage in Disruptive Conduct, or other violations of this Regulation, Codes, Borough Ordinances, or applicable state laws.
4. Use the trash and recyclable collection services provided by the Owner.
5. Use the Residential Rental Unit for no purpose other than as a residence.
6. Maintain the Residential Rental Unit in a manner meeting all requirements for Occupants of structures set forth in Ordinance #_____.
7. Allow the Code Enforcement Officer to inspect the Residential Rental Unit at reasonable times.
8. Not allow Persons other than those identified on the residential rental agreement to reside in the Residential Rental Unit.
9. Not allow the Residential Rental Unit to be occupied in a way that conflicts with the Borough Zoning Ordinance.

601. DISRUPTIVE CONDUCT.

1. Police officers shall investigate alleged incidents of Disruptive Conduct. The police officer conducting the investigation shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes Disruptive Conduct. The information filed in the Disruptive Conduct Report shall include, if possible, the identity of the alleged perpetrator(s) of the Disruptive Conduct and the factual basis for the Disruptive Conduct described in the Disruptive Conduct Report. A copy of the Disruptive Conduct Report shall be given or mailed to the Occupant and mailed to the Owner and, if applicable, the Manager, within ten (10) working days of the occurrence of the alleged Disruptive Conduct.
2. The Occupant or the Owner and, if applicable, the Manager shall have ten (10) working days from the date of a Disruptive Conduct Report to appeal the Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Code Enforcement Officer.
3. After three (3) documented Disruptive Conduct incidents by an Occupant in any twelve (12) month period, the property Owner's rental license shall be revoked unless proof is provided that eviction process is started and being diligently pursued by Owner or Manager.
4. The Disruptive Conduct Report shall count against all Occupants of the Residential Rental Unit. More than one (1) Disruptive Conduct Report filed against the Occupants of a Residential Rental Unit in a twenty-four (24) hour period shall count as a single Disruptive Conduct Report for the purpose of Section 601.

701. RESIDENTIAL RENTAL UNIT LICENSING

1. Within three (3) months of Ordinance adoption, the Owner and, if applicable, the Manager of each Residential Rental Unit shall apply for a Residential Rental License with the Code Enforcement Officer which shall be valid for one (1) year. Within three (3) months of receiving a rental license, the first inspection shall be scheduled. Property Owner/Manager shall apply yearly for a rental license.
2. The Code Enforcement Officer shall issue Residential Rental License if the Owner provides the name, address and phone number of a Manager (if applicable), pays the registration fee, submits a complete and accurate Occupant listing for the Residential Rental Unit by the registration deadline of each year and is current on real estate taxes, sewer/water/trash fees for the Residential Rental Unit.
3. The Code Enforcement Officer shall deny and may revoke a Residential Rental License if the Owner does not provide the name, address and phone number of a Manager (if applicable), does not pay the annual registration fee, is not current on real estate taxes, sewer and water rates or trash collection

fees for the Residential Rental Unit, does not submit a complete and accurate Occupant listing for Residential Rental Unit upon renewal date or within one month after a change in the identity of the Occupants of the Residential Rental Unit, does not correct a code violation within the time frame cited by the Code Enforcement Officer, and/or has not complied with the Disruptive Conduct provisions of this Regulation.

4. The Code Enforcement Officer shall deny and may revoke a Residential Rental License if the following occur within the licensed Residential Rental Unit or on the Premises:
 - A. Failure to abate any violation of this Regulation or any Code violation noted in the Rental Housing Inspection Form within the time specified in the notice of violation unless an appeal is pending.
 - B. Occurrence of three violations of this Regulation and/or of any other Borough Codes or ordinances that apply to the Residential Rental Unit or Premises during the term of the license. Before an occurrence may be considered a violation there must be either (i) a summary conviction or (ii) the Code Enforcement Officer must send the Owner a written notice of the violation within thirty (30) days of the incident and the period for the Owner to file an appeal from the determination of the Code Enforcement Officer must have expired.
5. The Code Enforcement Officer shall forward written notice to the Owner if the Code Enforcement Officer will deny, refuse to renew or revoke a Residential Rental License. The notification shall (i) identify the Residential Rental Unit; (ii) the grounds for the denial, non-renewal or revocation, including the factual circumstances and the Section of this Regulation supporting such determination; and (iii) informing the Owner of the right to appeal the denial, non-renewal or revocation of the Residential Rental License to Borough Council under this Regulation.
6. The Code Enforcement Officer may reinstate a Residential Rental License if the Owner or Manager corrects the reason for the revocation of the Residential Rental License and has paid the Residential Rental License reinstatement fee.

801. INSPECTION OF RESIDENTIAL RENTAL UNITS.

Prior to initial occupancy of newly constructed Residential Rental Units, newly created Residential Rental Units, or substantially rehabilitated Residential Rental Units (as documented by a certificate of occupancy), the Owner or Manager shall register with and make written application to the Code Enforcement Officer for a Residential Rental License as herein provided.

1. Initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Code Enforcement Officer. A minimum thirty (30) days written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the Residential Rental License.
2. The Code Enforcement Officer shall inspect Residential Rental Units after completion of the initial inspections under this Regulation in accordance with a systematic program. The Code Enforcement Officer may also inspect Residential Rental Units upon a change in occupancy of the Residential Rental Unit, upon receipt of complaints, upon the occurrence of Disruptive Conduct at such Residential Rental Unit, or for any other reasonable cause.
3. If the Code Enforcement Officer, upon completion of the inspection, finds that the applicable Codes have not been met, the Code Enforcement Officer shall issue notices and, if appropriate, commence enforcement actions under the procedure set forth in the Code which has been violated. The following notices shall be issued to the Owner of the Residential Rental Unit or the Manager. Notice provided to a Manager shall be deemed notice provided to the Owner.
 - A. If the Code Enforcement Officer finds violations warranting condemnation of the Residential Rental Unit under the Residential Rental Unit Regulation, in addition to the remedies under the Residential Rental Unit Regulation, the Code Enforcement Officer shall:

- (1) Issue a Ten (10) Day Notice of Violation; and
 - (2) If after ten (10) days from the date of the Ten (10) Day Notice of Violation, a reinspection reveals that the violations are not corrected and arrangements satisfactory to the Code Enforcement Officer have not been made, the Residential Rental License for the Residential Rental Unit shall be revoked until the issue has been satisfactorily resolved, and if the Residential Rental Unit is vacant, it shall remain vacant.
- B. If the Code Enforcement Officer finds violations not warranting condemnation of the Residential Rental Unit under the Residential Rental Unit Regulations, the Code Enforcement Officer shall issue a Thirty (30) Day Notice of Violation.
- (1) If after thirty (30) days from the date of the Thirty (30) Day Notice of Violation, the first reinspection reveals that all violations have not been corrected, the Code Enforcement Officer shall issue a second Thirty (30) Day Notice of Violation.
 - (2) If after thirty (30) days from the date of the second Thirty (30) Day Notice of Violation, a second reinspection reveals that all violations have not been corrected, the Code Enforcement Officer shall revoke the rental license for the rental unit, and if the Residential Rental Unit is vacant, it shall remain vacant.
 - (3) A fee will be charged for the initial inspection and for each reinspection. The Code Enforcement Officer shall maintain a list of all Residential Rental Units and their ownership that have been the subject of prosecution during the preceding five (5) years.

901. SALE OR TRANSFER OF RESIDENTIAL RENTAL UNITS.

A Residential Rental License shall not be transferred. In the case of licensed Residential Rental Units that are sold or transferred, the new Owner shall secure a Residential Rental License for each Residential Rental Unit and have each Residential Rental Unit inspected. Failure to secure a Residential Rental License for each Residential Rental Unit within sixty (60) days of the date of sale or transfer of ownership shall result in the revocation of the Residential Rental License.

1001. APPEALS.

1. An appeal from any decision of the Code Enforcement Officer shall be taken to Borough Council. Such appeal shall be made in writing within ten (10) working days after such decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefore and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee which shall be established by ordinance or resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a decision on such appeal within 45 days. Borough Council shall render a written decision, copies of which shall be provided to the Code Official and the appellant.
2. Any Person aggrieved by any decision of a Police Officer or Code Enforcement Officer in regard to a Police Incident Report or the revocation of a Residential Rental License may appeal to Borough Council in accordance with the provisions of Section 1001 above. Such appeal must be filed, in writing, within ten (10) working days from the date of the Report or notice of revocation.

1101. VIOLATIONS AND PENALTIES.

1. Violations. It shall be a violation of this Regulation to commit or to permit any other Person to commit any of the following acts:
 - A. To lease, let, or allow the occupancy of a Residential Rental Unit without obtaining a Residential Rental License where required by this Regulation.

- B. To refuse to permit inspections required under this Regulation for a Residential Rental Unit.
- C. To fail to perform the duties established by Section 301 of this Regulation if such Person is an Owner or a Manager of a Residential Rental Unit.
- D. To fail to perform the duties if such Person is an Occupant of a Residential Rental Unit.
- E. To place false information on or to omit relevant information from an application for a Residential Rental License.
- F. To fail to comply with any other provision of this Regulation.

2. Penalties and remedies:

- A. Allowing occupancy of a Residential Rental Unit after the Residential Rental License has been revoked. A fine of not less than five hundred dollars (\$500.00) per Residential Rental Unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- B. Failure to secure a Residential Rental License:
 - (1) The Owner or Manager shall be sent a Thirty (30) Day Notice of Violation, warning them of their failure to comply with the terms of this Regulation. If they do not comply at the end of thirty (30) days, there shall be a fine of not less than five hundred dollars (\$500.00) per Residential Rental Unit for each month the violation exists. Each month the violation exists is considered a separate violation.
- C. Whoever violates any other provision of this Regulation shall upon a first offense be fined not more than One Thousand dollars (\$1,000.00) or imprisoned not more than thirty (30) days, or both.
- D. In addition to prosecution of Persons violating this Regulation, the Code Enforcement Officer, or any duly authorized agent of the Borough may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any Person or property, real or Person, to effect the provisions of this Regulation.
- E. The provisions of this Section and the provisions of this Regulation governing revocation, suspension or non-renewal of Residential Rental Licenses shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate. The remedies and procedures in this Regulation are not intended to supplant or replace, to any degree, the remedies provided to the Borough in Property Maintenance Code, Zoning Ordinance or any other Code.
- F. Where there are three documented Disruptive Conduct Reports within a 12-month period and if the eviction process is started and being diligently pursued by an Owner or Manager, no further enforcement by the Borough will occur regarding this Residential Rental Unit during the eviction process.

Section 2. All other sections, parts and provisions of the Code of Ordinances of the Borough of Lititz shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 20__ by Borough Council of the Borough of Lititz, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF LITITZ
Lancaster County, Pennsylvania

Attest: _____	By: _____
Sue Ann Barry, Secretary	Karen Weibel, President

BOROUGH SEAL

Examined and approved as an Ordinance this _____ day of _____, 20__.