

**BOROUGH OF ARCHBALD
ORDINANCE NO 2 OF 2009**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 3 OF 2006, GOVERNING AND
REGULATING RESIDENTIAL RENTAL PROPERTIES WITHIN THE BOROUGH OF
ARCHBALD**

Section 1. PURPOSE

It is the purpose of this Ordinance, and the policy of the Council of the Borough of Archbald, to protect and promote the public health, safety and welfare of its citizens and to establish rights and obligations of owners and occupants relating to residential rental units in the Borough of Archbald and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough of Archbald that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance provides for a system of residential rental unit registration and licensing and sets penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

In considering the adoption of this Ordinance, the Council of the Borough of Archbald makes the following findings:

A. The Borough has experienced problems with the maintenance of residential rental properties.

B. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhoods within the Borough of Archbald at residential rental properties than at owner occupied residential properties.

C. The health, safety and welfare of the residents and property owners of the Borough of Archbald, as well as of occupants of residential rental units within the Borough, would be enhanced by a system of residential rental unit licensing, insuring compliance with the Codes governing the maintenance of existing structures.

Section 2. CONSTRUCTION OF WORDS AND PHRASES

A. **NUMBER; GENDER; TENSE** - The singular shall include the plural and the plural, the singular. Words used in the masculine gender shall include the feminine and neuter. Words used in the past or present tense shall include the future.

B. **WORDS AND PHRASES** - Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in the within Ordinance, shall be construed according to such peculiar and appropriate meaning or definition.

C. **RULES OF INTERPRETATION** - Where applicable, the rules of interpretation as set forth in 1 Pa.C.S.A. § 1901, et seq., shall apply to the within Ordinance.

Section 3. APPOINTMENT AND DUTIES OF CODE ENFORCEMENT OFFICER

The Borough Code Enforcement Officer, or such other individual or firm appointed by the Borough Council by Motion at an appropriate meeting of the Archbald Borough Council, shall administer this Ordinance in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough. For purposes of this Ordinance, the Borough Code Enforcement Officer shall be that individual or firm appointed by the Borough of Archbald to be responsible for enforcing the Borough of Archbald's Uniform Construction Code as adopted by the Borough of Archbald.

Section 4. DEFINITIONS

4.1 **General.** As used in this Chapter, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

4.2 Definitions.

(a) **Agent:** An individual of legal majority age designated by the owner of a residential rental unit as a responsible local agent.

(b) **Borough:** The Borough of Archbald, Lackawanna County, Pennsylvania and/or any duly authorized agent or representative of the Borough of Archbald.

(c) **Code:** Any Code or Ordinance adopted or in effect in and for the Borough of Archbald, as amended from time to time, including, but not limited to, the International Property Maintenance Code of 2000, as amended, the Archbald Borough Zoning Ordinance as well as any and all other applicable Ordinances or Resolutions adopted by the Borough of Archbald.

(d) **Code Enforcement Officer:** The individual or firm appointed by the Borough of Archbald who is also responsible for enforcing the Uniform Construction Code as adopted by the Borough of Archbald. The term "Code Enforcement Officer" means, in addition, any duly authorized representative of said Code Enforcement Officer.

(e) **Disruptive Conduct:** Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any owner, occupant or visitor of a residential rental unit that is so loud, offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises such that a report is made to a police officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that

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 public office or a police officer shall investigate and make a determination that such did occur. The tenant, the owner and the responsible agent shall be notified of any such occurrences in writing by the Code Enforcement Officer.

(f) **Disruptive Conduct Report:** Means a written report issued by the police department to the Code Enforcement Officer and his/her designee. Disruptive Conduct Report shall be maintained by the Code Enforcement Officer in the Archbald Borough Municipal Offices located at 400 Church Street, Archbald, Pennsylvania 18403.

(g) **Dwelling Unit:** Means a single habitable living unit, having its own toilet, bath or shower, sink, sleeping or cooking facilities and separate access to and from the outside. A property may have more than one dwelling unit on a premises subject to other applicable Ordinances and regulations.

(h) **Owner:** The legal or beneficial holder of title to a residential unit or property situated within the geographic confines of the Borough of Archbald.

(i) **Person:** Means any natural person, firm, corporation, partnership, association or other entity and specifically includes but is not limited to an Owner, Agent and Tenant as defined herein.

(j) **Premises:** Means any parcel of real property within the Borough of Archbald, including the land and all buildings thereon upon which one or more residential rental units are situated.

(k) **Residential Unit:** Any structurally enclosed area including or intending to include sleeping facilities and/or intended to be used as a dwelling unit occupied by one or more tenants.

(l) **Residential Rental Unit:** The residential unit occupied, leased, let or rented by a person other than the owner.

(m) **Tenant:** Any person, corporation, partnership or other entity who occupies a rental unit within a rental property regardless of whether such person, corporation, partnership or other entity has executed a lease for said premises.

Section 5. OWNER(S)' DUTIES AND AGENT(S)' DUTIES

5.1 It shall be the duty of every Owner and/or every Agent designated by an Owner to ensure full compliance with this Ordinance as well as to keep and maintain all regulated

residential rental units and premises in compliance with all applicable codes and provisions of all other applicable laws and regulations and local ordinances and to keep said property in a good and safe condition. As provided in this Chapter, every Owner and Agent shall be responsible for regulating the proper and lawful use of said property.

5.2 RENTAL REGISTRATION AND LICENSE REQUIREMENTS

5.2(a) **License Requirement.** It shall be unlawful for any person, firm, business entity or other entity to conduct or operate or cause to be rented either as owner, agent or manager within the Borough of Archbald any residential unit without having first obtained a license for each and every residential unit to do so as hereafter provided. In buildings, structures or residential rental complexes containing multiple (i.e., more than one) residential rental units, the owner of such building, structure, residential rental complex and/or residential rental units must apply for and obtain a license for each individual residential rental unit contained in said building, structure or residential rental complex pursuant to the terms and provisions of this Ordinance.

5.2(b) **Application.** Within thirty (30) days after the effective date of this Ordinance and every three (3) years thereafter, or upon any change in a tenant in a residential rental unit after a license is obtained pursuant to the terms of this Ordinance, the owner of each residential rental unit existing on or after the effective date of this Ordinance shall make written application to the Code Enforcement Officer for a license for such use for each residential rental unit on a form to be supplied by the Code Enforcement Officer and containing such information as necessary to administer and enforce and to insure compliance with the provisions of this Ordinance, the Borough of Archbald Building Codes and all other applicable Ordinances and regulations. In buildings, structures or residential rental complexes containing multiple (i.e., more than one) residential rental units, the owner of such building, structure, residential rental complex and/or residential rental units must apply for and obtain a license for each individual residential rental unit contained in said building, structure or residential rental complex pursuant to the terms and provisions of this Ordinance.

5.2(c) **Designation of Agent.** Every Owner of a residential rental unit within the Borough of Archbald who is not a full time resident of the Borough of Archbald or who does not reside in an area that is within a ten (10) mile radius of the Borough of Archbald, shall designate an Agent who shall reside in the Borough of Archbald or in an area that is within a ten (10) mile radius of the Borough of Archbald. If the Owner is a business or other entity, an Agent shall be required if an officer of the entity does not reside within the aforesaid area. The Agent shall be authorized by the owner to receive service of process, notices and demands, as well as perform all of the obligations of the Owner under this Ordinance. The identity, address and telephone number of the person who is designated as an Agent shall be provided by Owner or the Agent to the Borough and such information shall be kept current and updated as it changes.

5.2(d) **Issuance of License.** Upon the receipt of a fully completed application, including the list of tenants' names, the designation of an Agent, if applicable, and the payment, in full, of the appropriate license fee, and provided further that the Owner is not in violation of the requirements of this Ordinance or any other ordinance or code of the Borough, the Code Enforcement Officer shall issue a license for the residential rental unit for which application is made.

5.2(e) **Renewal of License.** Each license shall expire on the date set on the license and shall be renewed upon reapplication by Owner as long as the Owner is not in violation of the requirements of this Ordinance or any ordinance, code or regulation of the Borough of Archbald. No license shall be in effect for more than three (3) years.

5.2(f) **Transfer of License/Change of Ownership.** Any license issued is transferable to any person or entity who has acquired ownership of the licensed residential rental unit for the unexpired portion of the licensed term for which it was issued or re-issued, provided that the application to transfer such license is filed with the Code Enforcement Officer at least (10) days prior to any change in ownership and provided, further, that the licensed residential rental unit is in compliance with all of the Borough codes and ordinances as determined after inspection by the Code Enforcement Officer.

Section 6. MAINTENANCE OF PREMISES.

6.1 The Owner or Agent shall maintain the premises in compliance with the terms of this Ordinance as well as compliance with all other applicable codes of the Borough and shall regularly perform all routine maintenance and shall promptly make any necessary repairs to fulfill this obligation.

6.2 **Inspections by Code Enforcement Officer.** The Owner or Agent shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with the tenant's approval at any reasonable time.

Section 7. TENANT'S DUTIES.

7.1 Every Tenant shall comply with the terms of this Ordinance and shall also comply with all applicable codes, ordinances and regulations of the Borough of Archbald.

7.2 **Inspection of Premises.** Every tenant shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with an Owner's or with an Agent's approval at any reasonable time.

7.3 **Disruptive Conduct.** The occupant or tenant shall not engage in, nor tolerate nor permit others on the premises to engage in, disruptive conduct or other violations of this or any Ordinance of the Borough of Archbald.

7.3(a) Whenever the police investigate an alleged incident of disruptive conduct, the police shall complete a disruptive conduct report upon a finding that the report incident did in the judgment of the police officer constitute disruptive conduct as defined herein. The information filed on said report shall include, whenever possible, the identity or identities of the alleged perpetrator of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct. Where the police make such investigations, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, notice of the disruptive conduct shall be mailed to the owner or agent within three (3) working days of the occurrence of the alleged disruptive conduct.

7.3(b) After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant, tenant or visitor the Owner or Agent shall have ten (10) working days from the date of receiving the notice to begin eviction proceedings against the tenant occupants. Failure to take such action will result in the immediate revocation of the Residential Rental License. This paragraph is not intended to limit the Owner or Agent from initiating eviction actions prior to the third disruptive incident.

Section 8. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION OF LICENSE REQUIRED BY SECTION 5.2(a)

8.1 **General** - The license required by Section 5.2(a) of this Ordinance, above, may be refused, not renewed, suspended or revoked upon a finding by the Code Enforcement Officer that one or more of the requirements of this Ordinance or of the Borough Codes or Borough Zoning Ordinance has been violated. The Code Enforcement Officer shall give written notice to the Owner and Agent, if applicable, of the violations of this Ordinance or of the Borough Codes or Zoning Ordinance. Upon failure of the Owner or Agent to correct the violation stated in the notice of violation within thirty (30) days, the license may be refused, not renewed, suspended or revoked as appropriate and as determined by the Code Enforcement Officer. The suspended license may be granted, renewed or reinstated upon meeting the requirements of the Code.

8.2 **Non-Renewal.** Non-renewal is the determination by the Code Enforcement Officer that an owner's application for a license should not be granted or renewed because the owner is in violation of a provision or provisions of this Ordinance or any Borough Ordinance. The Code Enforcement Officer will accept applications for renewal of a license but will not approve or disapprove the same until all prior violations of this Code have been corrected.

8.3 **Failure to File an Application for Residential Rental License.** In the event that an owner fails to file an application for a residential rental license and obtain said license as required by this Ordinance, the Code Enforcement Officer shall provide written notice to the Owner that unless Owner files said application within ten (10) business days of the date of the letter, the Code Enforcement Officer may refuse to grant the license, may deny license renewal after the expiration of the present license and/or file charges for the violation.

8.4 **Discontinuation of Occupancy.** When a license has been denied, expires, is suspended or revoked, no further rental or occupancy of such rental units shall be permitted until a new license has been applied for and issued.

Section 9. VIOLATIONS AND PENALTIES.

9.1 It shall be unlawful for any person as Owner, Agent or Tenant of a residential rental unit for which a license is required to operate lease, let or occupy a residential rental unit without a valid current license issued by the Borough authorizing such operation, lease, letting or occupation of a residential rental unit. It shall be unlawful for any Owner, Agent, Tenant or occupant of a residential rental unit to violate this Ordinance.

9.2 Any Owner or Agent found to be operating a residential rental unit without an effective rental license shall be subject to a fine in the amount of One Hundred Dollars and no cents (\$100.00) a day for every day the owner is found to be or to have been operating the residential rental unit without a license issued from the Borough of Archbald pursuant to the terms of this Ordinance.

9.3 Any person violating any other provisions of this Ordinance shall be subject to a fine of Fifty Dollars (\$50.00) for a first offense, One Hundred Dollars (\$100.00) for a second offense and One Hundred and Fifty Dollars (\$150.00) for each offense thereafter.

9.4 Each day that a violation of this Ordinance occurs shall constitute a separate offense.

Section 10. FEE

The fee for a Residential Rental License shall be set by Borough Council at its discretion. Initially, the Archbald Borough Council sets the sum of Fifty Dollars (\$50.00) for a new application for a Residential Property Rental License; Fifty Dollars (\$50.00) for a renewal of a Residential Property Rental License Application and Fifty Dollars (\$50.00) for the transfer of a Residential Property Rental License Application. The Archbald Borough Council is empowered to change these fees by motion passed by a majority of members of the Archbald Borough Council.

Section 11. NOTICES

All mailings under this Ordinance shall be made by the Borough of Archbald via United States mail, postage prepaid, certified mail, return receipt requested.

Section 12. ADDITIONAL PROVISIONS

12.1. For the purpose of enforcing this ordinance, the Code Enforcement Officer, or his designee, may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection of a Residential Rental Unit Property, if necessary.

12.2. A violation of this ordinance occurs where the Owner, Agent or Tenant fails to permit access to conduct a legal inspection, i.e., either where there is no voluntary consent to the inspection or where an administrative warrant is required to either be sought or obtained.

12.3. In performing an inspection of the residential rental unit, the Code Enforcement Officer, or his designee, is subject to constitutional restrictions and the Code Enforcement Officer, or his designee, may seek a warrant, where appropriate, to search a property or unit to determine whether there are any specific violations of this ordinance, the International Property Maintenance Code of 2000, as amended, or any other Ordinance or regulation of the Borough of Archbald. If entry is refused by the Owner, Agent or Tenant, or if entry is not obtained, the Code Enforcement Officer, or his designee, is authorized to pursue recourse as provided by law.

12.4. Any person affected by a decision of the Code Enforcement Officer, or a notice, order or action taken pursuant to this ordinance, shall have the right to appeal to the Archbald Borough Zoning Board, provided that a written application for appeal is filed within twenty (20) days after the date of the decision, notice or action taken. An application for appeal shall be based on the claim that the true intent of this ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this ordinance do not full apply, or the requirements of this ordinance are adequately satisfied by other means. In addition, nothing in this ordinance shall affect the applicability of the Pennsylvania Local Agency law, 2 Pa. C.S.A. §752 pertaining to any person aggrieved by an adjudication of the Borough of Archbald, or its Code Enforcement Officer.

Section 13. SEVERABILITY AND AMENDMENT

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as it remains workable minus the invalid portion.

Section 14. LICENSE DISPLAY REQUIREMENT

Whoever obtains a Residential Rental Property license shall be required to display such permit in a conspicuous place on the Residential Rental Property so that it may be readily viewed and/or inspected by the general public, prospective tenants or any representative of the Borough of Archbald during a property inspection.

Section 15. REPEAL OF CONFLICTING ORDINANCES

The within Ordinance supersedes and repeals all former and/or prior laws, motions or ordinances or parts thereof which conflict, or are in any way inconsistent, with the provisions of this Ordinance and, to the extent that any prior or existing laws, motions or ordinances of the Borough of Archbald are inconsistent with the terms of the within Ordinance, said inconsistent laws, motions or ordinances, or portions thereof, are hereby expressly repealed. To the extent that any of the provisions of Archbald Borough Ordinance No. 10 of 2003 and Archbald Borough Ordinance No. 3 of 2006 are not in conflict with the terms and provisions of the within Ordinance, such terms and provisions of Archbald Borough Ordinance No.10 of 2003 and Archbald Borough Ordinance No. 3 of 2006 remain in effect and are specifically adopted and incorporated by reference herein.

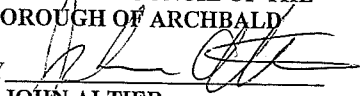
Section 16. EFFECTIVE DATE

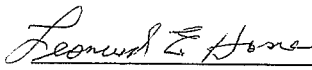
This Ordinance shall be deemed effective on the 16 day of May, 2009.

ENACTED AND ORDAINED THIS 15th DAY OF APRIL, 2009.

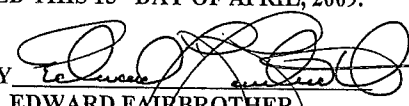
ATTEST:

BOROUGH COUNCIL OF THE
BOROUGH OF ARCHBALD

BY 
JOHN ALTIER
President, Archbald Borough Council


LEONARD HOSIE
Secretary, Borough of Archbald

EXAMINED AND APPROVED THIS 15th DAY OF APRIL, 2009.

BY 
EDWARD FAIRBROTHER
Mayor, Borough of Archbald

**BOROUGH OF ARCHBALD
ORDINANCE NO 3 OF 2006**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 10 OF 2003, GOVERNING
AND REGULATING RESIDENTIAL RENTAL PROPERTIES WITHIN THE
BOROUGH OF ARCHBALD**

Section 1. PURPOSE

It is the purpose of this Ordinance, and the policy of the Council of the Borough of Archbald, in order to protect and promote the public health, safety and welfare of its citizens and to establish rights and obligations of owners and occupants relating to residential rental units in the Borough of Archbald and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough of Archbald that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance provides for a system of residential rental registration and licenses and sets penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

In considering the adoption of this Ordinance, the Council of the Borough of Archbald makes the following findings:

- A. The Borough has experienced problems with the maintenance of residential rental properties.
- B. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential rental properties than at owner occupied residential properties.
- C. The health, safety and welfare of the residents and property owners of the Borough of Archbald, as well as of occupants of rental units within the Borough, would be enhanced by a system of residential rental unit licensing, insuring compliance with the Codes governing the maintenance of existing structures.

Section 2. APPOINTMENT AND DUTIES OF CODE ENFORCEMENT OFFICER

The Borough Code Enforcement Officer, or such other individual or firm appointed by the Borough Council, shall administer this Ordinance in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough. For purposes of this Ordinance, the Borough Code Enforcement Officer shall be that individual or firm appointed by the Borough of Archbald to be responsible for enforcing the Borough of Archbald's Uniform Construction Code as adopted by the Borough of Archbald.

Section 3. DEFINITIONS

3.1 General. As used in this Chapter, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

3.2 Definitions.

(a) **Agent:** An individual of legal majority age designated by the owner of a residential rental unit as a responsible local agent.

(b) **Borough:** The Borough of Archbald, Lackawanna County, Pennsylvania and/or any duly authorized agent or representative of the Borough of Archbald.

(c) **Code:** Any Code or Ordinance adopted or in effect in and for the Borough of Archbald, as amended from time to time, including, but not limited to, the International Property Maintenance Code of 2000, as amended, the Archbald Borough Zoning Ordinance as well as any and all other applicable Ordinances or Resolutions adopted by the Borough of Archbald.

(d) **Code Enforcement Officer:** The individual or firm appointed by the Borough of Archbald who is also responsible for enforcing the Uniform Construction Code as adopted by the Borough of Archbald. The term "Code Enforcement Officer" means, in addition, any duly authorized representative of said Code Enforcement Officer.

(e) **Disruptive Conduct:** Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any owner, occupant or visitor of a residential rental unit that is so loud, offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises such that a report is made to a police officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that 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 public office or a police officer shall investigate and make a determination that such did occur. The tenant, the owner and the responsible agent shall be notified of any such occurrences in writing by the Code Enforcement Officer.

(f) **Disruptive Conduct Report:** Means a written report issued by the police department to the Code Enforcement Officer and his/her designee. Disruptive Conduct Report shall be maintained by the Code Enforcement Officer in the Archbald Borough Municipal Offices located at 400 Church Street, Archbald, Pennsylvania 18403.

(g) **Dwelling Unit:** Means a single habitable living unit, having its own toilet, bath or shower, sink, sleeping or cooking facilities and separate access to and from the outside. A property may have more than one dwelling unit on a premises subject to other applicable Ordinances and regulations.

(h) **Owner:** The legal or beneficial holder of title to a residential unit or property situated within the geographic confines of the Borough of Archbald.

(i) **Person:** Means any natural person, firm, corporation, partnership, association or other entity and specifically includes but is not limited to an Owner, Agent and Tenant as defined herein.

(j) **Premises:** Means any parcel of real property within the Borough of Archbald, including the land and all buildings thereon upon which one or more residential rental units are situate.

(k) **Residential Unit:** Any structurally enclosed area including or intending to include sleeping facilities and/or intended to be used as a dwelling unit occupied by one or more tenants.

(l) **Residential Rental Unit:** The residential unit occupied, leased, let or rented by a person other than the owner.

(m) **Tenant:** Any person, corporation, partnership or other entity who occupies a rental unit within a rental property regardless of whether such person, corporation, partnership or other entity has executed a lease for said premises.

Section 4. OWNER(S)' DUTIES AND AGENT(S)' DUTIES

4.1 It shall be the duty of every Owner and/or every Agent designated by an Owner to ensure full compliance with this Ordinance as well as to keep and maintain all regulated residential rental units and premises in compliance with all applicable codes and provisions of all other applicable laws and regulations and local ordinances and to keep said property in a good and safe condition. As provided in this Chapter, every Owner and Agent shall be responsible for regulating the proper and lawful use of said property.

4.2 RENTAL REGISTRATION AND LICENSE

4.2(a) **License Requirement.** It shall be unlawful for any person, firm, business entity or other entity to conduct or operate or cause to be rented either as owner, agent or manager within the Borough of Archbald any residential unit without having first obtained a license to do so as hereafter provided.

4.2(b) Application. Within thirty (30) days after the effective date of this Ordinance and annually thereafter, the owner of each residential rental unit existing on or after the effective date of this Ordinance shall make written application to the Code Enforcement Officer for a license for such use on a form to be supplied by the Code Enforcement Officer and containing such information as necessary to administer and enforce and to insure compliance with the provisions of this Ordinance, the Borough of Archbald Building Codes and all other applicable Ordinances and regulations.

4.2(c) Designation of Agent. Every Owner of a residential rental unit within the Borough of Archbald who is not a full time resident of the Borough of Archbald or who does not reside in an area that is within a ten (10) mile radius of the Borough of Archbald, shall designate an Agent who shall reside in the Borough of Archbald or in an area that is within a ten (10) mile radius of the Borough of Archbald. If the Owner is a business or other entity, an Agent shall be required if an officer of the entity does not reside within the aforesaid area. The Agent shall be authorized by the owner to receive service of process, notices and demands, as well as perform all of the obligations of the Owner under this Ordinance. The identity, address and telephone number of the person who is designated as an Agent shall be provided by Owner or the Agent to the Borough and such information shall be kept current and updated as it changes.

4.2(d) Insurance of License. Upon the receipt of a fully completed application, including the list of tenants' names, the designation of an Agent, if applicable and the payment, in full, of the appropriate license fee, and provided further that the Owner is not in violation of the requirements of this Ordinance or any other ordinance or code of the Borough, the Code Enforcement Officer shall issue a license for the residential rental unit.

4.2(e) Renewal of License. Each license shall expire on the date set on the license and shall be renewed upon reapplication by Owner as long as the Owner is not in violation of the requirements of this Ordinance or any ordinance, code or regulation of the Borough of Archbald. No license shall be in effect for more than one (1) year.

4.2(f) Transfer of License/Change of Ownership. Any license issued is transferable to any person or entity who has acquired ownership of the licensed residential rental unit for the unexpired portion of the licensed term for which it was issued or re-issued, provided that the application to transfer such license is filed with the Code Enforcement Officer at least (10) days prior to any change in ownership and provided, further, that the licensed residential rental unit is in compliance with all of the Borough codes and ordinances as determined after inspection by the Code Enforcement Officer.

Section 5. MAINTENANCE OF PREMISES.

5.1 The Owner or Agent shall maintain the premises in compliance with the terms of this Ordinance as well as compliance with all other applicable codes of the Borough and shall regularly perform all routine maintenance and shall promptly make any necessary repairs to fulfill this obligation.

5.2 Inspections by Code Enforcement Officer. The Owner or Agent shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with the tenant's approval at any reasonable time.

Section 6. TENANT'S DUTIES.

6.1 Every Tenant shall comply with the terms of this Ordinance and shall also comply with all applicable codes, ordinances and regulations of the Borough of Archbald.

6.2 Inspection of Premises. Every tenant shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with an Owner's or with an Agent's approval at any reasonable time.

6.3 Disruptive Conduct. The occupant or tenant shall not engage in, nor tolerate nor permit others on the premises to engage in, disruptive conduct or other violations of this or any Ordinance of the Borough of Archbald.

6.3(a) Whenever the police investigate an alleged incident of disruptive conduct, the police shall complete a disruptive conduct report upon a finding that the report incident did in the judgment of the police officer constitute disruptive conduct as defined herein. The information filed on said report shall include, whenever possible, the identity or identities of the alleged perpetrator of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct. Where the police make such investigations, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, notice of the disruptive conduct shall be mailed to the owner or agent within three (3) working days of the occurrence of the alleged disruptive conduct.

6.3(b) After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant, tenant or visitor the Owner or Agent shall have ten (10) working days from the date of receiving the notice to begin eviction proceedings against the tenant occupants. Failure to take such action will result in the immediate revocation of the Residential Rental License. This paragraph is not intended to limit the Owner or Agent from initiating eviction actions prior to the third disruptive incident.

Section 7. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION OF LICENSE REQUIRED BY SECTION 4.2(a)

7.1 **General** - The license required by Section 4.2(a) of this Ordinance, above, may be refused, not renewed, suspended or revoked upon a finding by the Code Enforcement Officer that one or more of the requirements of this Ordinance or of the Borough Codes or Borough Zoning Ordinance has been violated. The Code Enforcement Officer shall give written notice to the Owner and Agent, if applicable, of the violations of this Ordinance or of the Borough Codes or Zoning Ordinance. Upon failure of the Owner or Agent to correct the violation stated in the notice of violation within thirty (30) days, the license may be refused, not renewed, suspended or revoked as appropriate and as determined by the Code Enforcement Officer. The suspended license may be granted, renewed or reinstated upon meeting the requirements of the Code.

7.2 **Non-Renewal.** Non-renewal is the determination by the Code Enforcement Officer that an owner's application for a license should not be granted or renewed because the owner is in violation of a provision or provisions of this Ordinance or any Borough Ordinance. The Code Enforcement Officer will accept applications for renewal of a license but will not approve or disapprove the same until all prior violations of this Code have been corrected.

7.3 **Failure to File an Application for Residential Rental License.** In the event that an owner fails to file an application for a residential rental license and obtain said license as required by this Ordinance, the Code Enforcement Officer shall provide written notice to the Owner that unless Owner files said application within ten (10) business days of the date of the letter, the Code Enforcement Officer may refuse to grant the license, may deny license renewal after the expiration of the present license and/or file charges for the violation.

7.4 **Discontinuation of Occupancy.** When a license has been denied, expires, is suspended or revoked, no further rental or occupancy of such rental units shall be permitted until a new license has been applied for and issued.

Section 8. VIOLATIONS AND PENALTIES.

8.1 It shall be unlawful for any person as Owner, Agent or Tenant of a residential rental unit for which a license is required to operate lease, let or occupy a residential rental unit without a valid current license issued by the Borough authorizing such operation, lease, letting or occupation of a residential rental unit. It shall be unlawful for any Owner, Agent, Tenant or occupant of a residential rental unit to violate this Ordinance.

8.2 Any Owner or Agent found to be operating a residential rental unit without an effective rental license shall be subject to a fine in the amount of One Hundred Dollars and no cents (\$100.00) a day for every day the owner is found to be or to have been operating the residential rental unit without a license issued from the Borough of Archbald pursuant to the terms of this Ordinance.

8.3 Any person violating any other provisions of this Ordinance shall be subject to a fine of Fifty Dollars (\$50.00) for a first offense, One Hundred Dollars (\$100.00) for a second offense and One Hundred and Fifty Dollars (\$150.00) for each offense thereafter.

8.4 Each day that a violation of this Ordinance occurs shall constitute a separate offense.

Section 9. FEE

The fee for a Residential Rental License shall be set by Borough Council at its discretion. Initially, the Archbald Borough Council sets the sum of Fifty Dollars (\$50.00) for a new application for a Residential Property Rental License; Fifty Dollars (\$50.00) for a renewal of a Residential Property Rental License Application and Fifty Dollars (\$50.00) for the transfer of a Residential Property Rental License Application. The Archbald Borough Council is empowered to change these fees by motion passed by a majority of members of the Archbald Borough Council.

Section 10. NOTICES

All mailings under this Ordinance shall be made by the Borough of Archbald via United States mail, postage prepaid, certified mail, return receipt requested.

Section 11. ADDITIONAL PROVISIONS

11.1. For the purpose of enforcing this ordinance, the Code Enforcement Officer, or his designee, may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection of a Residential Rental Unit Property, if necessary.

11.2. A violation of this ordinance occurs where the Owner, Agent or Tenant fails to permit access to conduct a legal inspection, i.e., either where there is no voluntary consent to the inspection or where an administrative warrant is required to either be sought or obtained.

11.3. In performing an inspection of the residential rental unit, the Code Enforcement Officer, or his designee, is subject to constitutional restrictions and the Code Enforcement Officer, or his designee, may seek a warrant, where appropriate, to search a property or unit to determine whether there are any specific violations of this ordinance, the International Property Maintenance Code of 2000, as amended, or any other Ordinance or regulation of the Borough of Archbald. If entry is refused by the Owner, Agent or Tenant, or if entry is not obtained, the Code Enforcement Officer, or his designee, is authorized to pursue recourse as provided by law.

11.4. Any person affected by a decision of the Code Enforcement Officer, or a notice, order or action taken pursuant to this ordinance, shall have the right to appeal to the Archbald Borough Zoning Board, provided that a written application for appeal is filed within twenty (20) days after the date of the decision, notice or action taken. An application for appeal shall be based on the claim that the true intent of this ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this ordinance do not fully apply, or the requirements of this ordinance are adequately satisfied by other means. In addition, nothing in this ordinance shall affect the applicability of the Pennsylvania Local Agency law, 2 Pa. C.S.A. §752 pertaining to any person aggrieved by an adjudication of the Borough of Archbald, or its Code Enforcement Officer.

Section 12. SEVERABILITY AND AMENDMENT

— If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as it remains workable minus the invalid portion.

Section 13. LICENSE DISPLAY REQUIREMENT

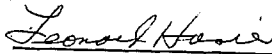
Whoever obtains a Residential Rental Property license shall be required to display such permit in a conspicuous place on the Residential Rental Property so that it may be readily viewed and/or inspected by the general public, prospective tenants or any representative of the Borough of Archbald during a property inspection.

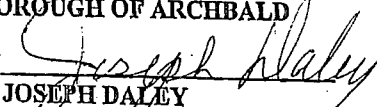
Section 14. EFFECTIVE DATE

This Ordinance shall be deemed effective on the 21st day of October, 2006.

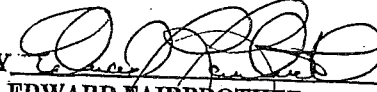
ENACTED AND ORDAINED THIS 20th DAY OF SEPTEMBER, 2006.

ATTEST:


LEONARD HOSIE
Secretary Borough of Archbald

**BOROUGH COUNCIL OF THE
BOROUGH OF ARCHBALD**
BY 
JOSEPH DALEY
President Archbald Borough Council

EXAMINED AND APPROVED: this 20th day of September, 2006.

BY 
EDWARD FAIRBROTHER
Mayor Borough of Archbald

BOROUGH OF ARCHBALD
ORDINANCE NO 10 OF 2003

**AN ORDINANCE GOVERNING AND REGULATING RESIDENTIAL RENTAL
PROPERTIES WITHIN THE BOROUGH OF ARCHBALD**

By the powers granted to the Borough of Archbald by the Pennsylvania Borough Code, 53 P.S. §45101 et seq., be it **ENACTED** and **ORDAINED** by the Borough Council of the Borough of Archbald, Lackawanna County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of the Archbald Borough Council as follows:

SECTION I. TITLE

This Ordinance shall be known as, "Borough of Archbald Ordinance No. 10 of 2003".

SECTION II. POLICY AND PURPOSE

Pursuant to its authority under the Pennsylvania Borough Code, 53 P.S. §45101 et seq., specifically including, but not limited to, its power to enact and enforce ordinances relating to buildings and housing, 53 P.S. §46202(24); the power to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough of Archbald, 53 P.S. §46202(6); the power to prohibit and remove any nuisance, including, but not limited to, accumulations of garbage and rubbish and the storage of abandoned or junked automobiles and to prohibit and remove any dangerous structure on public or private grounds, 53 P.S. §46202(5); the power to make and adopt all such ordinances, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be expedient or necessary for the proper management, care and control of the Borough of Archbald and its finances, and the maintenance of peace, good government, safety and welfare of the Borough of Archbald and its trade, commerce and manufactures, 53 P.S. §46202(74) as well as the power to impose fines and

penalties, 53 P.S. §46202(3), the Archbald Borough Council enacts the within Ordinance.

It is the policy, desire and intent of the Archbald Borough Council to ensure that the health, safety, morals, general welfare and cleanliness, as well as the beauty, convenience, comfort and safety of the Borough of Archbald and its residents is in the best possible condition for both safety and financial reasons. In order to ensure that the health, safety, morals, general welfare and cleanliness, as well as the beauty, convenience, comfort and safety of the Borough of Archbald and its residents is in the best possible condition, the Archbald Borough Council enacts the within Ordinance.

In connection with this ordinance, the Archbald Borough Council adopts by reference the most recent edition of the BOCA Code, as applicable to this ordinance.

SECTION III. DEFINITIONS

- A. **BOROUGH OF ARCHBALD, or "BOROUGH"** - Means the Borough of Archbald, Lackawanna County, Pennsylvania, the Mayor of the Borough of Archbald, the Archbald Borough Council and any duly authorized member or agent of any of the above.
- B. **LANDLORD** - Means a person who leases lets or rents real property, residential housing, residential properties, trailers, apartments or any unit of living space, to another person.
- C. **LET** - Means to lease, rent or enter into any contract or agreement whereby a landlord provides a residential rental property to a person.
- D. **PERSON** - Means any natural person, partnership, association, firm, corporation or other entity.
- E. **RESIDENTIAL REAL PROPERTY** - Means any real property, residential housing, residential property, trailer, apartment or other unit of housing in which an individual lives, has a mailing address or makes his or her abode which is rented by that person from another person.

SECTION IV. CONSTRUCTION OF WORDS AND PHRASES

A. NUMBER; GENDER; TENSE - The singular shall include the plural and the plural, the singular. Words used in the masculine gender shall include the feminine and neuter. Words used in the past or present tense shall include the future.

B. WORDS AND PHRASES - Words and Phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in the within Ordinance, shall be construed according to such peculiar and appropriate meaning or definition.

C. RULES OF INTERPRETATION - Where applicable, the rules of interpretation as set forth in 1 Pa.C.S.A. §1901, et seq., shall apply to the within Ordinance.

SECTION V. REGULATIONS GOVERNING RESIDENTIAL RENTAL PROPERTIES WITHIN THE BOROUGH OF ARCHBALD

A. DUTY TO REGISTER RESIDENTIAL RENTAL PROPERTY

1. Every landlord shall be required to register with the Borough of Archbald's Building and Zoning Inspector at the Archbald Borough Municipal Building, 400 Church Street, Archbald, Pennsylvania any and all residential properties he or she owns within the limits of the Borough of Archbald by submitting an application as provided by Section V. B., below.

2. All residential rental property existing on the date of the adoption of this ordinance shall be registered by the landlord on or before October 1, 2003.

3. All other residential rental property shall be registered by the landlord before the residential property is rented, leased or otherwise let.

B. RESIDENTIAL RENTAL PROPERTY PERMIT

Every landlord shall be required to submit, on a biennial basis, a Residential Rental Property permit application on a form developed by the Archbald Borough Zoning Officer, and obtain from the Archbald Borough Zoning Officer, a Residential Rental Property permit for each residential rental property and each rental unit he or she owns within the Borough of Archbald.

C. REQUIREMENTS TO OBTAIN PERMIT

1. Upon the application of the landlord for a Residential Rental Property permit or the renewal thereof, the Archbald Borough Zoning Officer shall conduct an inspection of the Residential Rental Property to determine and ensure that the Residential Rental Property and

each unit contained therein is not a public nuisance or substandard and meets all zoning, health and safety requirements of the ordinances of the Borough of Archbald, Lackawanna County, Pennsylvania, as well as all general applicable local, state and federal laws.

2. For the purpose of enforcing this ordinance, the Archbald Borough Zoning Officer, or his designee, may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection of a Residential Rental Unit Property.

3. A violation of this ordinance occurs where the owner fails to permit access to conduct a legal inspection, i.e., either where there is no voluntary consent to the search or where an administrative warrant is obtained.

4. In performing an inspection of the rental property, the Zoning Officer, or his designee, is subject to constitutional restrictions and the Archbald Borough Zoning Officer, or his designee, may seek a warrant, where appropriate, to search a property or unit to determine whether there are any specific violations of this ordinance or the BOCA Code. If entry is refused by the owner or landlord, or if entry is not obtained, the Archbald Borough Zoning Officer, or his designee, is authorized to pursue recourse as provided by law.

5. In the event the Residential Rental Property or a unit contained therein, is not in compliance, any deficiencies shall be noted on the inspection form and provided to the Landlord and a re-inspection of the Residential Rental Property shall be scheduled. Depending on the severity of the violation, a Landlord will be granted of a minimum of seven (7) days to a maximum of thirty (30) days from the date of the inspection to abate the violation.

6. If the residential rental property or a unit contained therein, is not brought into compliance within the specified time, or the permit fee is not paid, the permit of the Landlord, shall be revoked, or the Landlord shall be precluded from permitting the occupancy of the Residential Rental Property or deficient unit, as the case may be.

7. Upon a determination that all deficiencies has been satisfactorily corrected and the payment of the required fee made, a Residential Rental Property permit shall be issued to the Landlord by the Borough of Archbald Zoning Officer permitting the occupancy of each unit within the Residential Rental Property that meets the requirements of this ordinance, subject to the terms and conditions of this ordinance.

8. Any person affected by a decision of the Borough of Archbald Zoning Officer, or a notice, order or action taken pursuant to this ordinance, shall have the right to appeal to the Archbald Borough Zoning Board, provided that a written application for appeal is filed within twenty (20) days after the date of the decision, notice or action taken. An application for appeal shall be based on the claim that the true intent of this ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this ordinance do not full apply, or the requirements of this ordinance are adequately satisfied by other means. In addition, nothing

in this ordinance shall affect the applicability of the Pennsylvania Local Agency law, 2 Pa. C.S.A. §752 pertaining to any person aggrieved by an adjudication of the Borough of Archbald, or its zoning officer.

D. RESIDENTIAL RENTAL PROPERTY PERMIT FEE

1. The residential rental property biennial standard permit fee shall be Thirty Dollars (\$30.00), payable at the time of inspection.

2. In addition to the standard permit fee, a Landlord shall be required to pay the following fee based on the number of units contained within the Residential Real Property, prior to the Residential Real Property being let or leased from the effective date of this ordinance forward:

<u>NUMBER OF UNITS</u>	<u>INSPECTION FEE PER UNIT</u>
1-3	\$.00
more than 3	\$10.00

E. VIOLATIONS

No landlord or person shall permit the occupancy of a Residential Rental Property or a unit contained therein, without first having obtained a Residential Rental Property permit or the renewal thereof. Provided, however, that it shall not be a violation of this ordinance to permit occupancy of a Residential Rental Property or a unit contained therein, without first having obtained a Residential Rental Property permit, if application has been made and the Borough of Archbald's Zoning Officer has not conducted an initial inspection of the residential property as provided in Section V. C., above within seven (7) days of such an application, provided further that the applicant complies with the terms of this Ordinance and allows the appropriate inspection to be conducted.

F. PERMIT DISPLAY REQUIREMENT

Whoever obtains a Residential Rental Property permit shall be required to display such permit in a conspicuous place on the Residential Rental Property so that it may be readily viewed and/or inspected by the general public, prospective tenants or any representative of the Borough of Archbald during a property inspection.

SECTION VI. PENALTIES

Notwithstanding any provisions to the contrary, whoever violates any provision of this Ordinance shall be subject to a fine of not less than Three Hundred Dollars (\$300.00), a period of imprisonment of up to sixty (60) days, or both. Any violation of the provisions of this Ordinance on any day, shall be a separate and distinct violation and shall subject the violator to separate and distinct penalties for each day a violation of this ordinance occurs.

SECTION VII. SEVERABILITY AND AMENDMENT

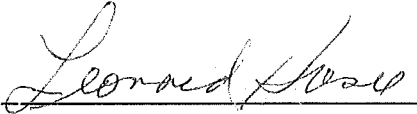
If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as it remains workable minus the invalid portion.

SECTION VIII. EFFECTIVE DATE

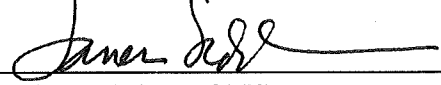
This Ordinance shall become effective thirty (30) days from the date of its enactment herein.

ENACTED AND ORDAINED THIS 16TH DAY OF JULY, 2003.

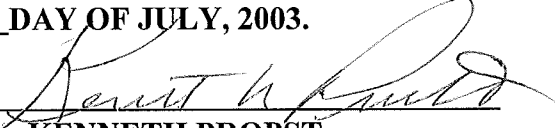
ATTEST:

 (SEAL)
LEONARD HOSIE
Secretary Borough of Archbald

**BOROUGH COUNCIL OF THE
BOROUGH OF ARCHBALD**

By: 
JAMES SIDDONS
President Archbald Borough
Council

EXAMINED AND APPROVED THIS 16th DAY OF JULY, 2003.

BY: 
KENNETH PROPST
Mayor Borough of Archbald