

Chapter 4

Part D: *LANDLORD REGISTRATION ORDINANCE*
(OR5-2010)

100.00 TITLE:

100.10 This chapter shall be known as the Borough of Saegertown “Landlord Registration Ordinance.”

200.00 GENERAL:

200.10 It is the purpose of this Ordinance and the policy of the Council of the Borough of Saegertown, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain residential rental units in the Borough of Saegertown and to encourage owners and occupants to maintain and improve the quality of rental housing within the community.

200.11 It is also the policy of the Borough that owners, managers, residents and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare.

200.12 As a means to those ends, this Ordinance provides for a system of inspections, issuance and renewal of occupancy licenses and set penalties for violations.

200.13 This Ordinance shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this Ordinance, the Borough of Saegertown makes the following findings.

200.20 In recent years, many formerly private homes have been turned into residential rental units.

200.21 Those rental units have oftentimes been rented to individuals who, because they have no ownership interest in the property, have allowed the properties to deteriorate.

200.22 In addition, problems have occurred because many tenants, because they have no ownership interest in the real estate, have not been concerned about following Codes and Ordinances of the Borough of Saegertown, including Codes and/or Ordinances which govern maintenance and safety of the property.

200.23 This, in turn, has caused problems for other homeowners near the rental units. In addition, there is a greater incidence of violation of various Codes and Ordinances of the Borough of Saegertown in residential rental properties where owners rent properties to tenants.

300.00 **DEFINITIONS:**

- 301.00 BOROUGH OF SAEGERTOWN – The Borough of Saegertown, County of Crawford, Pennsylvania.
- 302.00 CODE – Any code or ordinance adopted, enacted and/or in effect in and for the Borough of Saegertown concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit.
- 303.00 CODE ENFORCEMENT OFFICER – The duly appointed Code Enforcement Officer(s) and/or any other person duly appointed by Borough Council.
- 304.00 COMMERICAL AND/OR INDUSTRIAL, RENTAL UNIT OR STRUCTURE - Any structure within the Borough of Saegertown which is not defined as a Residential Rental Unit.
- 305.00 COMMON AREA – Any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.
- 306.00 DISRUPTIVE CONDUCT – Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police, Borough official and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior.
- 306.10 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 a person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein.
- 306.20 Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrence.
- 307.00 DISRUPTIVE CONDUCT REPORT – A written report of disruptive conduct on a form to be prescribed therefore, to be completed by the Code Enforcement Officer or police, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.
- 308.00 GUEST – A person on the premises with the actual or implied consent of an occupant and who does not reside more than three (3) days per week or utilize the unit address for any legitimate purpose.
- 309.00 IMMEDIATE FAMILY MEMBER- Husband, wife, child, step-child, father, mother, step-father, step-mother, brother, sister, step-brother, step-sister, grandfather, grandmother, step-grandfather, step-grandmother, grandson, granddaughter, step-

grandson, or step-granddaughter.

- 310.00 LANDLORD – One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit (same as “owner”).
- 311.00 LANDLORD-TENANT ACT – The Landlord and Tenant Act of 1951, 68 P.S. §§250.101, *et seq* as amended and/or restated.
- 312.00 MANAGER – An adult individual designated by the owner of a residential rental unit.
- 313.00 OCCUPANCY LICENSE – The license issued to the owner of residential rental units under this Ordinance, which is required for the lawful rental and occupancy of residential rental units.
- 314.00 OCCUPANT/RESIDENT – An individual who resides in a residential rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania., and/or the individual resides at a residence for three (3) or more days a week, for two (2) or more weeks a month, and more than two months of the year, whether or not the person pays rent, pay or exchange of services.
- 315.00 OWNER – one or more persons, jointly and/or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit.
Lease/Purchase agreements or rent-to-own agreements shall be considered rental units, unless the agreement includes an amortization schedule and the regular payments are paying down the debt to purchase the same as a mortgage. In the case of a quit claim deed or article of agreement, the occupant must retain at least 51% of ownership, or the unit will be considered a rental until the occupant achieves at least the 51% ownership.
- 316.00 PERSON – a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other legal entity.
- 317.00 POLICE – The Pennsylvania State Police or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Saegertown.
- 318.00 PREMISES – Any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental units are located.
- 319.00 RENTAL AGREEMENT/LEASE – An oral and/or written agreement between owner/landlord and occupant/tenant embodying the terms and conditions concerning the use and occupancy of a specified residential rental unit or premises.

320.00 RESIDENTIAL RENTAL UNIT/RENTAL UNIT – Any structure within the Borough of Saegertown which is occupied and/or used as a residence or dwelling by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel of real estate received any value, including but not limited to money, or the exchange of services.

Lease/Purchase agreements or rent-to-own agreements shall be considered rental units, unless the agreement includes an amortization schedule and the regular payments are paying down the debt to purchase the same as a mortgage. In the case of a quit claim deed or article of agreement, the occupant must retain at least 51% of ownership, or the unit will be considered a rental until the occupant achieves at least the 51% ownership.

320.10 Each apartment or unit within a building is a separate structure requiring inspection and a license.

320.20 It is any structure where someone other than the owner or immediate family member occupies it, even if no pay, rent or exchange of services takes place.

321.00 The unit is defined as a separate dwelling, apartment, room or group of rooms, used for separate dwelling purposes and equipped for the preparation of food.

321.10 The determination of the Borough as to what constitutes a separate dwelling unit shall be final.

322.00 SELF-INSPECTION REPORT – A building inspection report, on a form provided by the Borough, to be filled out and signed by the landlord or manager, in a timely manner, verifying that each item required meets the applicable code or ordinance.

323.00 STRUCTURE – Any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land.

323.10 Each apartment or unit within a building is a separate structure.

324.00 TENANT – An individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease/rental unit or by the law of the Commonwealth of Pennsylvania (same as “occupant”), or defined in the section “Residential Rental Unit” above.

400.00 OWNER’S DUTIES

401.00 General.

401.10 It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable State laws and regulations and local ordinances and/or codes and to keep such property in good and safe condition.

401.20 The owner/landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making *any and all repairs* in and around the premises.

- 401.30 As provided for in this Ordinance, every owner/landlord shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns.
- 401.40 As provided for in this Ordinance, every owner shall also be responsible for regulating the conduct and activities of the occupants of every rental unit which he, she or it owns in the Borough of Saegertown, which conduct or activity takes place at such rental unit or its premises.
- 401.50 In order to achieve those ends, every owner of a rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.
- 401.60 This Section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guest may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law;
- 401.70 Nor shall this Section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity.
- 401.80 Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.
- 401.90 This Ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough of Saegertown against an owner, occupant or guest thereof.
- 402.00 Designation of Manager:**
- 402.10 Every owner who is not a full-time resident of the Borough of Saegertown, and/or who does not live within twenty-five (25) miles of the boundaries of the Borough of Saegertown, shall designate a manager who shall reside in an area that is within twenty-five (25) miles from the Borough of Saegertown.
- 402.20 If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the above referenced area.
- 402.30 The officer shall perform the same function as a manager.
- 402.40 If the owner is a partnership, a manager shall be required if a partner does not reside within the above referenced area. Said partner shall perform the same function as a manager.
- 402.50 The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Ordinance and under rental agreements with occupants.

402.60 The identity, address and telephone number(s) and any other necessary contact information of a person who is designated as manager hereunder shall be provided by the owner or manager to the Borough and such information shall be kept current and updated as it changes.

403.00 Disclosure:

403.10 The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy:

403.11 The name, address and telephone number of the manager, if applicable.

403.12 The name, address and telephone number of the owner of the premises.

403.20 Before an occupant initially enters into or renews a rental agreement for a rental unit, the owner or manager shall furnish the occupant with the most recent inspection report relating to the property.

404.00 Maintenance of Premises.

404.10 The owner shall maintain the premises in compliance with the applicable codes and/or ordinances of the Borough of Saegertown (including but not limited to: Property Maintenance, Fire Prevention and Disorderly Conduct).

404.11 The owner shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal and shall promptly make any and all repairs necessary to fulfill this obligation.

404.20 The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if:

404.21 The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant.

404.22 The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

404.30 In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this Ordinance or other ordinances or codes for maintenance of the premises.

404.40 The owner shall be responsible for payment of all water, refuse and sewer bills and any associated fees.

404.41 Tenants may be requested to pay utility bills, but if this is the case, the landlord must provide copies of the bills to the tenant in a timely manner, and the landlord shall be responsible for any late fees or penalties, including those resulting from the tenant not receiving bills from the landlord. The landlord is responsible for any unpaid water, refuse

or sewer bill or any other assessment required by the Borough or one of its authorities.

- 404.42 The Borough will NOT provide duplicate bills to tenants.
- 404.43 Failure to pay water bills, sewer bills, and garbage bills or any outstanding fees or fines due to the Borough, shall result in the termination of water service.
- 404.44 Uninspected or inoperable vehicles shall not be permitted on rental properties unless stored inside a suitable permanent building.
- 404.45 Any vehicle not repaired within 7 days of needing repairs will be considered in violation of this ordinance.
- 404.46 Vehicles in violation of this section of the ordinance will be towed from the premises at the landlord's expense.
- 404.47 Owners MUST provide at least two (2) off street parking sites for each rental unit, and MUST provide off street parking for all vehicles used by tenants.
- 404.48 All off street parking must be gravel, paved or blacktop, so as to NOT be muddy, hold pooling water, or block storm water. It must meet requirements under the International Property Maintenance Code.
- 404.50 Each rental unit shall be properly identified as to the correct 9-1-1 address as follows:
 - 404.51 Street address shall be visible from the road;
 - 404.52 Unit number or identification number shall be on the main entrance to each unit.

405.00 Rental Agreement:

- 405.10 All disclosures and information required to be given to occupants by the owner shall be furnished at or before the commencement of the landlord tenant relationship.
- 405.20 The owner shall provide occupant with copies of any rental agreement and addendum upon execution.

406.00 Terms and Conditions:

- 406.10 Owner and occupant may include in a rental agreement terms and conditions not prohibited by this Ordinance or other applicable ordinances, regulations and laws, including rent, terms of the agreement and other provisions governing the right and obligations of the parties.

407.00 Prohibited Provisions:

- 407.10 Except as otherwise provided by this Ordinance, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Ordinance.
- 407.20 A provision prohibited by this subsection included in a rental agreement is

unenforceable.

408.00 Provision of Summary of Ordinance to Occupant:

- 408.01 Owner shall notify each tenant that this ordinance exists, and that they may acquire a copy at the Borough Office, under the terms of the “Right-to-Know” Law.
- 408.10 Owner shall provide the occupants with the disclosures and information required under this Ordinance.
- 408.11 The failure to do so shall constitute a violation of this ordinance.
- 408.20 If requested by the Borough of Saegertown, the owner within ten (10) days of the request shall furnish to the Borough of Saegertown copies of any lease(s) and/or rental agreement(s) required by the Landlord Tenant Act that the owner has entered into for rental units.

409.00 Registration:

- 409.01 Every owner of a residential rental unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:
- 409.10 All owners of residential rental units must register the units with the Code Enforcement Officer within thirty (30) days after the effective date of this Ordinance.
- 409.11 Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the Borough of Saegertown within thirty (30) days of the completion of the conversion of the unit or units or within thirty (30) days of the time when any rent, including the exchange of other services for the unit or units, is obtained or within thirty (30) days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.
- 409.20 It shall be the responsibility of the grantee and the grantee’s agent in the purchase of the said real estate, including the grantee’s attorney or Title Company, to notify Saegertown Borough within five (5) business days of any purchase or transfer of a rental unit.
- 409.30 The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any changes of the information set forth below.
- 409.40 (Reserved)
- 409.50 All owners and tenants must comply with the applicable off-street parking requirements in the Borough, including current zoning regulations.
- 409.60 Registration information shall be provided by all owners and shall include the following:
- 409.61 Owner name, address, including *Post Office Box*, telephone number and any other relevant contact information.

- 409.62 Owner MUST notify tenant to apply for a post office box at the Post Office unless mail delivery is available, and owner must notify the Borough of the new box number or address.
- 409.63 Local manager name, address, including Post Office Box, telephone number and any other relevant contact information.
- 409.64 Property address and number of units.
- 409.65 Emergency telephone number.
- 409.66 Actual number of occupants.
- 409.67 Names and addresses of current tenants, specifically identifying those tenants over 18 years of age.
- 409.70 Any owner of a residential rental unit shall notify the Borough of Saegertown within ten (10) days of a new tenant occupying, renting or residing in the landlord's or owner's residential rental unit, and provide the Borough with the actual date moved in.
- 409.80 Notwithstanding any other provisions of this chapter, the names and address of a tenant shall not be disclosed by any Borough personnel in the event that the tenant is the subject of a court order requiring that this information be kept confidential.
- 409.90 Any owner deciding to remove a rental unit (in a multi-unit building) from active rental status, shall notify the Borough in writing of the change, but will be subject to the following:
- 409.91 Owner shall be responsible for refuse payments until the end of the current Borough Refuse Contract if there is one, and
- 409.92 The owner cannot put the unit back into active rental status for a period of one (1) year after removal.
- 409.93 Removal from active rental status is defined as a request by the owner (landlord) to no longer rent a unit, and to be exempt from the requirements of this ordinance (such as fees and inspections) and a request for relief from water and sewer payments for that unit.
- 410.00 Maximum Occupancy:**
- 410.10 The maximum occupancy of any rental unit shall be no more than 1 person for every 50 square feet of living space. (Excludes bathroom, closet, storage and kitchen space)
- 411.00 Complaints:**
- 411.10 The owner shall reply promptly to reasonable complaints and inquiries from occupants.
- 412.00 Landlord-Tenant Act:**

412.10 The owner shall comply with all provisions of the Landlord-Tenant Act as amended and/or restated.

413.00 Common and Public Areas:

413.10 Where an owner of a residential rental unit does not regulate the use of common areas and the behavior of occupants and guests in the common areas (or public areas in the Borough), the owner shall be directly responsible for the behavior of occupants and guests in the common (and public) areas as if the owner were an occupant.

413.20 The failure of the owner to regulate behavior of occupants and guests in the common areas (or public areas in the Borough) that results in the following shall be a violation of this Ordinance:

413.21 Engaging in fighting, threatening or other violent or tumultuous behavior;

413.22 Making unreasonable noise.

413.23 Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose of the actor.

413.24 Juveniles violating Borough Curfew or Disorderly Ordinances.

414.00 Enforcement:

414.10 Within ten (10) days after receipt of written notice from the Code Enforcement Officer that an occupant of a residential rental unit has violated a provision of this Ordinance.

414.11 The owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

414.12 Within the ten (10) days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation.

414.13 The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

414.20 The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan.

414.21 The owner shall, on his or her initiative, enforce the plan and failure to do so shall be in violation of this Ordinance.

414.30 In the event that a second violation occurs within a license year involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to initiate eviction proceedings against the occupants who violated this Ordinance in accordance with the Landlord-Tenant Act and to not permit the occupant to occupy the premises during the subsequent licensing period.

414.31 All tenants who have been evicted from a residence in the Borough for violating the terms and conditions of this Ordinance, shall advise their new landlord, *if in the Borough*, that they have been evicted, or have violated the ordinance.

415.00 Code/Ordinance Violations:

415.10 Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

416.00 Borough Can Make Repairs:

416.10 In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code and/or ordinance in effect in the Borough of Saegertown within the period of time stated in such notice, the Borough may cause the violation to be corrected.

416.11 There shall be imposed upon the owner a charge of the actual costs involved, plus costs for each time the Borough shall cause a violation to be corrected and the owner of the premises shall be billed after same has been completed.

416.12 Such costs and any additional amounts shall be set by duly adopted **Resolution** of Borough Council.

416.13 Any such bill that remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien (and/or termination of water service) upon the premises as provided by law.

416.14 Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs.

416.20 The remedies provided by this subsection are not exclusive and the Borough and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or the applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or non-renewal of the license issued hereunder

417.00 Inspections.

417.10 The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The inspections shall be completed as follows:

417.11 The Code Enforcement Officer of the Borough of Saegertown shall inspect all units once a year (or once every three (3) years if authorized under section 418.00 of this ordinance) and record the inspection on a written Inspection Report. The Code Officer may make inspections anytime within the same year.

- 417.12 A second inspection may be ordered by the Code Enforcement Officer, in the event that safety concerns are identified at the first inspection and for non-compliance as identified in Section 421 below.
- 417.13 If an owner or manager postpones an inspection appointment, they must do so by giving the Borough Office or the Code Enforcement Officer, 24 hours' notice of the established inspection date or time, or be in violation of this ordinance.
- 417.14 The owner or manager may not postpone the inspection more than two times or they will be in violation of this ordinance.

418.00 Self-Inspections:

- 418.10 After completion of an annual inspection (beginning Jan 1, 2011) without any violations, the owner shall be exempt from inspections and fees for the next three (3) years, providing they comply with the following:
- 418.11 Landlord must apply for an exempt license.
- 418.12 Landlord must notify Borough Office of any changes of tenants within the allotted ten (10) days period.
- 418.13 Landlord must be current with all required information due to the Borough, including changes in manager.
- 418.14 Landlord must have provided timely updates required information.
- 418.15 Landlord must be current on all fees due to the Borough.
- 418.16 Landlord or manager must physically inspect each rental unit each year.
- 418.17 Landlord must submit an annual self-inspection report (on the form provided) by January 30 of each year.
- 418.18 Landlord and tenants must have complied with all other Borough codes and ordinances, without a violation the previous year. (This includes tenant violations after a written warning first)
- 418.20 Failure to provide the self-inspection report by the date it is due (January 30 of each year), shall be a violation of this ordinance, subject to fines set by **resolution.**
- 418.21 A physical inspection by the Code Enforcement Officer shall then be required, including inspection fees, as set by **resolution.**
- 419.22 A full inspection (and the accompanying fees) of each unit shall be required every three (3) years.

419.00 Smoke Alarms / Carbon Monoxide (CO) Alarms:

- 419.10 All owners of residential rental units in the Borough of Saegertown shall be required

within five (5) days of the passage of this Ordinance to install working smoke alarms.

- 419.11 Battery operated smoke detectors must have working batteries installed at all times. Detectors must be installed, regardless of the occupant load at the following locations:
- 419.12 On the ceiling or wall outside each separate sleeping area in the immediate vicinity of the bedrooms;
- 419.13 In each room used for sleeping purposes.
- 419.14 In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics
- 419.20 (Reserved)
- 419.30 (Reserved)
- 419.40 (Reserved)
- 419.50 All owners of residential rental units must install a working CO alarm in each unit of a building with more than one (1) rental unit, if a fossil fuel is used for a heat source, for cooking or there is a fireplace in the unit.
- 419.51 CO Alarms must be placed per the manufacturer's recommendation.
- 419.52 CO Alarms may be battery, plug in or direct-wired installation, and may be in combinations with smoke alarms.
- 419.53 Tenants are responsible for maintaining alarms in working condition.
- 419.54 CO detectors must be replaced every five (5) years with new units.
- 419.55 Each new unit installed must have the installation date written on the unit in indelible ink. It is a violation if the date is changed, altered or removed, until it is replaced.

420.00 Fire Extinguishers:

- 420.10 One (1) 2 ¾ lb. or larger ABC fire extinguisher shall be installed in the kitchen area of each rental unit.

421.00 Noncompliance:

- 421.10 Any parcel of real estate containing a residential rental unit that has been found to be in noncompliance with this Ordinance shall be subject to re-inspection by the Code Enforcement Officer as follows:
- 421.11 Each residential rental unit referred to above shall be inspected one time each year. A particular residential unit that contains a violation of this Ordinance shall be re-inspected as set forth above.

- 421.12 In addition, each residential rental unit shall be inspected each time one of the residential rental units is vacant, *if requested by the landlord*, for the fee provided by duly authorized **resolution** of Borough Council.
- 421.13 Fees for any and all inspections necessary or required shall be set by duly adopted **Resolution** of Borough Council.
- 421.20 In the event of a violation, a residential rental unit cannot be occupied unless and until the unit is approved as meeting the criteria of this Ordinance any other applicable codes of the Borough of Saegertown as determined by the Enforcement Officer.
- 421.30 If after inspection of one or more of the residential rental units as set forth above, the Code Enforcement Officer determines that there are violations of any Codes and/or Ordinances of the Borough of Saegertown; the Code Enforcement Officer shall provide a Notice of Violation which shall at a minimum set forth the following:
- 421.31 Street address of the property.
- 421.32 Date of the inspection
- 421.33 Name of the inspector.
- 421.34 List of violations.
- 421.35 In addition, the Code Enforcement Officer may require an inspection for safety reasons by an appropriate expert, at the owner's expense, including, but not limited to:
- 421.36 Electrician; Plumber;
- 421.37 Property Maintenance Inspector;
- 421.38 Other Inspector as required (i.e. Engineer, Architect, Heat, Air Conditioning, or Exterminator)
- 421.39 The fee for any and all inspection(s) required herein shall be set by duly adopted Resolution of Borough Council, or shall be at the owner's expense.
- 421.40 Within ten (10) days after receipt of a written notice from the Borough of Saegertown Code Enforcement Officer that there has been a violation of this section or any other applicable ordinances of the Borough of Saegertown, the owner shall take immediate steps to remedy the violation and take steps to assure that there will not be a reoccurrence of the violation.
- 421.41 If approved by the Code Enforcement Officer, the owner shall have ten (10) days to complete the above remedy. If additional time to remedy is necessary, the owner shall file a written request with the Code Enforcement Officer providing just cause. The Code Enforcement Officer may permit additional time to remedy or may refer the request to Borough Council.

- 421.42 The Code Enforcement Officer shall review the corrective action and, if adequate steps have been taken and the action is adequate to address future violations, shall approve the corrective action. The owner, on his or her initiative shall enforce the corrective action, and failure to do so shall be a violation of this ordinance of the Borough of Saegertown.
- 421.43 In the event that a second violation occurs within a twelve-month period, involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupant or occupants who have violated the ordinance of the Borough of Saegertown and to not permit the occupant to occupy the premise during any subsequent period.
- 421.50 If, after a violation as set forth above, a parcel of real estate containing residential rental units has no violations of applicable codes/ordinances of the Borough of Saegertown for a period of two (2) years, said property shall then be deemed to be back in compliance with the terms and conditions of this Ordinance and shall not then be subject to the inspections set forth in this section until there are other violations, except annual inspection.
- 421.51 If a parcel of real estate is in noncompliance with the terms and conditions of this Ordinance or other ordinances of the Borough of Saegertown is sold, then the parcel of real estate shall remain in noncompliance until the sooner of the following has occurred:
- 421.52 The original two-year period with no violation passes with no further violations; or
- 421.53 If twelve (12) months passes after purchase by the new owner with no violations of any ordinances and/or code of the Borough of Saegertown.
- 421.60 All owners of any real estate containing or upon which are erected any residential rental unit which are in noncompliance with this Ordinance and who desire to sell the parcel of real estate shall notify the purchasers, in writing, prior to the sale of the parcel of real estate that the parcel of real estate is in noncompliance with the terms and conditions of this Ordinance.
- 421.61 Further, any property owner selling a parcel of real estate upon which is erected a residential rental unit or units which are found to be in noncompliance under the terms and conditions of this Ordinance shall notify the Code Enforcement Officer, in writing, within thirty (30) days prior to closing on the sale of said parcel of real estate.
- 421.70 All owners of any parcels of real estate containing residential rental units shall permit access to the property so that the Code Enforcement Officer of the Borough of Saegertown shall be able to complete all inspections necessary to determine compliance with this ordinance and any other applicable ordinances of the Borough of Saegertown.
- 421.71 Refusal to allow entry of the residential rental unit by the Code Enforcement Officer of the Borough of Saegertown to inspect the said unit shall be a violation of this Ordinance.
- 421.80 For the purpose of enforcing this ordinance, the Code Enforcement Officer may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection or otherwise enforcing the terms and conditions of this Ordinance.
- 421.85 The Code Enforcement Officer may re-inspect any property subject to a notice of violation upon expiration of the time to accomplish repairs or upon notice from the owner

that the violations have been rectified.

421.90 The owner of any property containing or upon which is erected a residential rental unit shall pay a fee for each and every re-inspection to cover the cost of a re-inspection each time a re-inspection is required under the terms of this chapter or each time a re-inspection is requested by the Code Enforcement Officer to determine compliance with this Ordinance or any other applicable ordinances of the Borough of Saegertown.

421.91 The fee set forth herein shall be set by duly adopted **Resolution** of Saegertown Borough Council.

422.00 Tenant Registration:

422.10 Landlord must provide (in writing on the form provided) the following tenant information:

422.11 Full name of all occupants;

422.12 Correct mailing address (including P.O. Box);

422.13 Current phone number of tenant.

422.14 Identify all occupants over 18 years old.

422.15 The actual date the tenant moved into the unit, or is responsible for payment of the unit.

422.16 The landlord shall provide the Borough with notice that the tenant(s) has moved from the rental unit within ten (10) days of moving out of a unit.

422.17 Current updates to sections 422.11 to 422.16 must be provided to the Borough within ten (10) days of any change.

422.20 (Reserved)

422.30 The owner or manager shall maintain at the licensed rental unit and provide, upon demand, the following:

422.31 The current occupancy permit issued by the Code Enforcement Office of the Borough of Saegertown.

422.32 Documentation required by this Ordinance showing the names of the authorized occupants of the rental unit.

500.00 OCCUPANT DUTIES:

501.00 General:

501.10 The occupant shall comply with all obligations imposed upon occupants by this Ordinance, all applicable codes and ordinances of the Borough of Saegertown and all applicable provisions of State and/or Federal Law.

501.20 Health and Safety Regulations:

- 501.21 The maximum number of persons permitted in any rental unit at any time shall not exceed 1 person(s) for each 40 square feet of habitable floor space in said rental unit, as restricted in section 410.10.
- 501.22 The occupant shall deposit all rubbish, garbage and other waste from his or her rental unit into containers provided by the owner or landlord in a clean and safe manner and shall separate and place for collection in compliance with Borough of Saegertown's Refuse Ordinance and all other applicable ordinances, laws and regulations.
- 501.23 Occupant shall not place refuse/waste at curb or outside more than 24 hours prior to collection and shall remove waste containers from curb promptly (within 24 hours) after collection.
- 501.24 Occupant shall place all garbage at curb each week.
- 501.30 The occupants (tenants) *shall not use* any of the following heating devices:
 - 501.31 Portable unvented fuel-fired (including kerosene) heating equipment.
 - 501.32 Portable electric heaters, unless they be equipped with safety switches to shut the unit off if tipped over, and the heating chamber shall be permanently guarded so as to prevent accidental contact by persons or materials.
 - 501.33 If the unit is a duplex or multi-unit dwelling, wood burning stoves or furnaces.
- 501.40 Existing (at the time this ordinance is initially passed) unvented natural gas or propane fired heating equipment, requires the following:
 - 501.41 A working CO detector installed in the same room as the heater.
 - 501.42 A gas shut-off valve installed within five (5) feet of the heater, and be readily accessible.
 - 501.43 The heater must be UL approved.
- 501.50 No new *unvented* natural gas or propane fired heaters may be installed in any rental unit.
- 501.60 Occupants shall keep the premise free from pests, vermin and rodents.

502.00 Peaceful Enjoyment:

- 502.10 The occupant shall conduct himself or herself and require other persons including, but not limited to, guests on the premises and within his or her rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others.
- 502.11 That will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.

503.00 Residential Use:

503.10 The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.

504.00 Illegal Activities.:

504.10 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 (18 Pa. C.S.A. §101 *et seq.*) or Liquor Code (47 P.S. §1-101 *et seq.*), or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101 *et seq.*).

505.00 Disruptive Conduct:

505.10 The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in, disruptive conduct or other violations of this Ordinance.

506.00 Compliance with Rental Agreement:

506.10 The occupant shall comply with all lawful provisions of the rental agreement entered into between owner and occupant.

506.11 Failure to comply may result in the eviction of the occupant by the owner.

507.00 Damage to Premises:

507.10 The occupant shall not intentionally cause, nor permit or tolerate others to cause, damage to the premises.

507.11 Conduct which results in damages in excess of Five Hundred (\$500.00) Dollars (or an amount set by duly adopted **Resolution** of Borough Council) shall be considered a violation of this Ordinance.

508.00 Inspection of Premises:

508.10 The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.

508.11 Reasonable notice shall be within 48 hours at a mutually agreed on time.

509.00 Removal or Defacement of Notice:

509.10 It shall be a violation of this Ordinance for any person to remove or deface any notice or document required to be posted within a rental unit and it shall be unlawful for any person to occupy the rental unit unless all notices and documents are posted as required.

600.00 **LICENSES AND INSPECTION:**

601.00 **License Requirement:**

- 601.10 As a prerequisite to entering into a rental agreement or permitting the occupancy of any rental unit (except as provided in subsection 601.31 below), the owner of every such rental unit shall be required to apply for and obtain a license for each rental unit.
- 601.20 A license shall be required for all residential rental units.
- 601.30 The following categories of rental properties shall not require licenses, and shall not, therefore, be subject to the permitting provision of this Ordinance:
 - 601.31 Hotels and motels.
 - 601.32 Hospitals and nursing homes.
 - 601.33 Bed and breakfast units as defined in the Borough's Zoning Ordinance.
 - 601.34 Commercial and/or industrial units or structure.
- 601.40 The application for the licenses shall be in a form as determined by the Borough.
- 601.50 The owner shall maintain a current and accurate list of the occupants in each rental unit which shall include their name, address including Post Office Box number, and current telephone number which shall be available to the Borough for inspection upon reasonable notice.
- 601.51 The owner shall notify the Borough of changes in the occupancy or of contact information within ten (10) days of the change and shall provide the name of the person who is no longer occupying or residing in the premises in the event a person departs and the name, current address (including Post Office Box number) and current telephone number of new occupants in the event a new person is added. The borough shall consider all phone numbers to be confidential and shall not share the information with anyone else.
- 601.60 If requested by the code enforcement officer, the owner shall furnish with his or her application for a license, a floor plan or sketch, with the measurements of each room within the rental unit.
- 601.61 In the event that there are changes to the floor plan, the owner shall submit a revised floor plan with the application first submitted after the changes to the floor plan were made, if requested by the Borough.
- 601.70 In the event that a license is denied by the Code Officer, the owner shall have the right to appeal to the Borough Council of the Borough of Saegertown within thirty (30) days of mailing of the notice of denial of the application.
- 601.71 The hearing before the Borough Council shall be governed by the Local Agency Law.

602.00 Annual License Term, Fee and Occupancy Limit:

- 602.10 Each license shall have an annual term running from January 1 through December 31 of that year.
- 602.20 Upon application for a license prior to issuance or renewal thereof, each owner/applicant shall pay to the Borough an annual license and inspection fee, in an amount to be established, from time to time, by **Resolution** of the Council of the Borough of Saegertown.
- 602.21 The initial fee for a license shall be set by duly adopted **Resolution** of Borough Council, for each rental unit/apartment.
- 602.22 The said fee shall be paid by January 30th of each year.
- 602.23 No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Ordinance or any of the ordinances of the Borough of Saegertown relating to land use and/or code enforcement or if any licensing fees or other fees (such as water, sewer or refuse) under this Ordinance are due and owing the Borough.

603.00 Search Warrant:

- 603.10 Upon a showing of probable cause that a violation of this Ordinance or any other ordinance of the Borough of Saegertown has occurred, the Code Enforcement Officer may apply to the Magisterial District Judge or Court having jurisdiction in the Borough of Saegertown for the search warrant to enter and inspect the premises

604.00 CERTIFIED OR REGISTERED LETTERS:

- 604.10 A set fee for certified or registered letters , as set by **resolution** of Borough Council, will be billed to the owner, tenant or other responsible person, corporation or organization, for notification of any violation (or warning of violation) of any provision of this ordinance or for notice of any late payment due.

700.00 GROUND FOR NON-RENEWAL, SUSPENSION OR REVOCATION OF LICENSE:

701.00 General:

- 701.10 The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, non-renewal, suspension or revocation of the owner’s license, for violating any provision of this Ordinance that imposes a duty upon the owner and/or for failing to regulate the breach by occupants as provided for herein.

702.00 Definition of Options:

- 702.10 “Formal Warning”
- 702.11 Formal written notification of at least one (1) violation of this Ordinance.

- 702.12 Upon satisfactory compliance with this Ordinance and any conditions imposed by the Code Enforcement Officer and/or the Borough of Saegertown Council, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer or by the Council of the Borough of Saegertown.
- 702.20 “Non-Renewal”
- 702.21 The denial of the privilege to apply for license renewal after expiration of the license term.
- 702.22 The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or by the Council of the Borough of Saegertown.
- 702.30 “Suspension”
- 702.31 The immediate loss of the privilege to rent residential rental units for a period of time set by the code Enforcement Officer or Borough Council.
- 702.32 The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner’s privilege to apply for a license should be reinstated.
- 702.33 Upon suspension, the owner shall take immediate steps to evict the occupants.
- 702.34 The immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or the Borough Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period.
- 702.35 Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.
- 703.00 Criteria for Applying Discipline:**
- 703.10 The Code Enforcement Officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:
- 703.20 The effect of the violation on the health, safety and welfare the occupants of the residential rental unit and other residents of the premises.
- 703.30 The effect of the violation on the neighborhood.
- 703.40 Whether the owner has prior violations of this Ordinance and other ordinances of the Borough or has received notices of violations as provided for in this Ordinance.
- 703.50 Whether the owner has been subject to disciplinary proceedings under this Ordinance.
- 703.60 The effect of disciplinary action on the occupants.
- 703.70 The action taken by the owner to remedy the violation and to prevent future violations,

including any written plan submitted by the owner.

703.80 The policies and lease language employed by the owner to manage the rental unit to enable the owner to comply with the provisions of this Ordinance.

703.90 In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend and Borough Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Ordinance.

704.00 Grounds for Imposing Discipline:

704.10 Any of the following may subject an owner to discipline as provided for in this Ordinance:

704.11 Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.

704.12 Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by this Ordinance.

704.13 Failure to take steps to remedy and prevent violations of this Ordinance by occupants of residential rental units as required by this Ordinance.

704.14 Failure to file and implement an approved plan to remedy and prevent violations of this Ordinance by occupants of the rental unit as required by this Ordinance.

704.15 Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Borough as provided for in this Ordinance.

704.16 Three (3) violations of this Ordinance or other ordinances of the Borough that apply to the premises within a license term.

704.17 For purposes of this Ordinance, there need be no criminal conviction before a violation can be found to exist.

704.18 Before a prior violation can be considered under this Section, the owner must have received notice in writing of this violation within thirty (30) days after the Code Enforcement Officer received notice of the violation.

705.00 Procedure for Non-renewal, Suspension or revocation of License:

705.10 Notification:

705.11 Following a determination that grounds for non-renewal, suspension or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefore.

705.20 Such notification shall be in writing, addressed to the owner in question and shall contain the following information:

- 705.21 The address of the premises in question and identification of the particular residential rental unit(s) affected.
- 705.22 A description of the violation that has been found to exist.
- 705.23 A statement that the license for said residential rental unit(s) shall be either suspended or revoked, or will not be renewed for the next license year beginning January of that year, or that the owner will receive a formal warning.
- 705.30 In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and in the case of a suspension shall also state the duration of said suspension.
- 705.40 A statement that, due to the non-renewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing or permitting occupancy of the dwelling unit(s) from and during the period said action is in effect.
- 705.50 A statement informing the owner that he, she or it has a right to appeal, the decision suspending, revoking or declining to renew the license to Borough Council, by submitting in writing to the Borough Secretary/Manager, within thirty (30) days from the date printed on the notice, a detailed statement of the appeal including the grounds therefore and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned, and a statement of relief requested by the appellant.
- 705.51 Such notice of appeal shall be required to be submitted on a form to be prescribed therefore by Borough Council, and signed by the appellant.
- 705.52 There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established, from time to time, by *resolution* of Borough Council.
- 705.60 Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Secretary/Manager shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting or at such date and other time as necessary, not less than ten (10) days from the date on which the appeal is filed.
- 705.70 The appellant, the Code Enforcement Officer and the owners of properties within a radius of three hundred (300) feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.
- 705.90 Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §751, *et seq.* or any updates to the law.
- 705.91 The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Borough Council shall make a decision either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken.

705.92 Such decision shall be rendered at a public meeting either immediately following the hearing or within thirty (30) days thereafter.

705.93 The decision shall be reduced to writing, stating clearly the factual and legal basis for the decision, within forty-five (45) days after the hearing.

705.94 If the Council of the Borough of Saegertown deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than thirty (30) days from the initial hearing and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

706.00 Delivery of Notification:

706.10 All notices shall be sent to the owner and manager, if applicable, by certified mail and regular mail; or personal service; or by posting the notice at a conspicuous place on the premises.

706.11 Costs for registered and certified mail shall be billed to the owner and/or tenant.

707.00 Nonexclusive Remedies:

707.10 The penalty provisions of this Section and the license non-renewal, suspension and revocation procedures provided in this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Ordinance.

707.20 The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough, whether or not such other code or ordinance is referenced in this Ordinance and whether or not an on-going violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

800.00 MISCELLANEOUS PROVISIONS:

800.10 Notices.

800.20 For purposes of this Ordinance, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

800.30 There shall be a rebuttable presumption that any notice required to be given to the owner under this Ordinance shall have been received by such owner if the notice was given to the owner in the manner provided by this Ordinance.

800.40 A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

801.00 Changes in Ownership Occupancy:

801.10 It shall be the duty of each owner of a residential rental unit to notify the Code Enforcement Officer, in writing, of any change in ownership of the premises or of the number of residential rental units on the premises.

801.20 It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any rental unit or of the changing of a rental unit.

802.00 Owners Severally Responsible:

802.10 If any rental unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance and shall be severally subject to prosecution for the violation of this Ordinance.

900.00 ENFORCEMENT; VIOLATIONS AND PENALTIES:

900.10 This Ordinance shall be enforced by the Code Enforcement Officer of the Borough of Saegertown or any other person duly appointed by Borough Council.

901.00 Basis for Violation:

901.10 It shall be unlawful for any person, as either owner or manager of a residential rental unit for which a license is required, to operate without a valid, current license issued by the Borough of Saegertown authorizing such operation.

901.20 It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a residential rental unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this section.

901.30 It shall be unlawful for any occupant to violate this section.

902.00 Penalties:

902.10 Any landlord or owner of a residential rental unit which violates any of the provisions of Section 409 together with all of the subsections thereunder shall upon conviction thereof be sentenced to pay a Class B fine as set by duly adopted **Resolution** of Borough Council.

902.20 Each day of the said violation shall be a separate offense.

903.00 Any landlord or owner of a residential rental unit which violates any of the provisions of Sections: 416, 417, 418, 419, 420, shall face Class E fines by set by **resolution** of Council.

903.10 Each day of the said violation shall be a separate offense.

903.20 Any landlord or owner of a residential rental unit who violates Section 600 of this

Ordinance shall upon conviction be sentenced to pay a Class B fine as set by duly adopted **Resolution** of Borough Council.

903.30 Any occupant on a residential rental unit who violates any of the provisions of Section 500 shall incur Class B penalties as set by duly adopted **resolution** of Borough council.

903.40 Each day of said violation shall be a separate offense.

904.00 Fines:

904.10 Fines as imposed through this Ordinance shall be collected as allowable by law.

904.20 Each day during which any owner of a residential rental unit violates any provision of this Ordinance shall constitute a separate offense.

904.30 This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Saegertown or its agents or representatives to such equitable or other remedies as may otherwise be available with or without process of law.

904.40 In addition to the fines set forth herein, the Borough of Saegertown shall be entitled to reasonable attorney's fees incurred in enforcing this Ordinance.

904.50 The said fees shall be added to any penalties set forth above.

904.60 The owner of all residential rental units in the Borough of Saegertown shall have the responsibility of making sure that all occupants within their rental units comply with and abide by this Ordinance of the Borough of Saegertown.

904.70 If any section or provision of this Ordinance is adjudged by a court of competent jurisdiction to be unlawful, void, or unreasonable, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.

1000.00 REPEALER:

1000.10 All Ordinances or parts of Ordinances inconsistent herewith, and specifically Ordinance No. 1 of 2009, are hereby repealed as of the effective date of this Ordinance.

1001.00 Effective Date:

1001.10 This Ordinance shall become effective on the 13th day of December, 2010.