

COUNCIL BILL: 4-2007
INTRODUCED BY: Grillo
INTRODUCED: 11-12-07
ENACTED: 12-10-07
ORDINANCE: 5-2007

AN ORDINANCE OF THE CITY OF LOWER BURRELL, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA, REQUIRING ALL OWNERS OF RESIDENTIAL PROPERTIES TO OBTAIN A CERTIFICATE OF COMPLIANCE UPON RESALE OF SUCH REAL ESTATE:

WHEREAS, the City of Lower Burrell has many occupied properties, and;

WHEREAS, the City of Lower Burrell desires that all properties shall be in compliance with various codes and ordinances enacted by the City, and;

WHEREAS, it shall be unlawful to sell a property for which a Certificate of Compliance has not been issued, and;

WHEREAS, the enforcement of code violations is essential to protect the health, safety and general welfare of the new occupants of properties.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Lower Burrell, Westmoreland County, Pennsylvania and it is hereby ordained and enacted by the authority of the same as follows:

Section 1: Necessity of Obtaining Certificate.

It shall be unlawful to change ownership of a building unless a Certificate of Compliance shall have been issued by the Code Enforcement Officer prior to the change of ownership, stating that the building and land conform to the requirements of the Property & Maintenance Code as well as any other City ordinance or code.

Section 2: Application for Certificate.

The applicant may be the current owner or the proposed new owner.

Section 3: Inspections.

The applicant for the certificate required, shall notify the Code Enforcement Officer of the date upon which change of ownership shall take place, and the Code Enforcement Officer shall inspect the building within ten (10) days of such notice.

Section 4: Issuance of Certificates.

Upon inspection of the premises to determine whether or not a Certificate of Compliance shall be issued, if the Code Enforcement Officer shall find such premises in accordance with the codes and ordinances of the City of Lower Burrell, a Certificate of Compliance shall be issued provided that the premises complies with the storm water separation ordinances and regulations.

A provisional certificate may be issued subject to correction of existing violations within a specified period of time, unless the property is unfit for habitation.

Written notice shall be given to the applicant stating why a Certificate of Compliance cannot be issued when the Code Enforcement Officer finds that the premises are not fit for habitation. An appeals board designated by the City will hear any disagreements of the Code Enforcement Officer decision.

Upon transfer of ownership of property, the current owner shall produce and deliver a copy of the Certificate of Compliance to the new owner including notice of any conditions associated with the certificate.

Section 5: Municipal Lien Letter.

A Municipal Lien Letter shall not be issued in the case of a change of ownership of residential property unless a Certificate or a Provisional Certificate of Compliance has previously been issued.

Section 6: Revocation or Suspension.

A Certificate of Compliance may be revoked or suspended by the Code Enforcement Officer if the Code Enforcement Officer finds that the property owner has failed to comply with conditions attached to the issuance of the Certificate or if the Code Enforcement Officer finds that the operation of the premises or land fail to comply with the requirements of this ordinance or any code or ordinance of the City of Lower Burrell, which failure occurred after the change of ownership, unless occupant doesn't change, ie. Change title of ownership within family, of the property.

Section 7: Fee.

The fee for the issuance of the Certificate of Compliance shall be \$35.00 (Thirty-five Dollars) which shall be paid to the order of the City of Lower Burrell at the time the applicant applies for an inspection.

Section 8: Penalties if No Inspection.

A penalty or fine not exceeding Six Hundred (\$600.00) Dollars and costs shall be imposed against any person who violates any provision of this Ordinance. Such penalty or fine shall be in addition to any penalty or fine imposed for violation of any building, housing, property maintenance, fire prevention, electrical, plumbing or zoning ordinance, or the violation of the Property Maintenance Code.

Section 9: Repealer.

Any ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed in so far as they affect the provisions hereof.

ORDAINED AND ENACTED by the Council of the City of Lower Burrell, Westmoreland County and Commonwealth of Pennsylvania, this 10th day of December, 2007.

ATTEST:

CITY OF LOWER BURRELL

Edward A. Kirkwood, C.M.C.
City Clerk

Donald L. Kinosz, Mayor

COUNCIL BILL NO.	<u>5-2007</u>
INTRODUCED BY:	<u>Grillo</u>
INTRODUCED:	<u>11-12-07</u>
ENACTED:	<u>12-10-07</u>
ORDINANCE:	<u>6-2007</u>

**AN ORDINANCE OF THE CITY OF LOWER BURRELL, COUNTY OF
WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA,
ESTABLISHING MINIMUM REGULATIONS FOR ALL RESIDENTIAL
RENTAL PROPERTIES**

This Ordinance Concerns:

- 1) The condition and maintenance of all rental properties.
- 2) The standards for supplies and facilities for the purpose of ensuring overall safety.
- 3) Establishing an inspection form for all residential rental properties.
- 4) Establishing a required rental licensing form based on a successful rental inspection.
- 5) Establishing rules and policies for existing structures.
- 6) Designating the Code Enforcement Department as primary enforcement, servicing and manager of said program.
- 7) Establishing the City Treasurer as Collector of fees and fines and issuer of Rental License.
- 8) Establishing a fee structure.
- 9) Empowering all City departments the free use of information necessary to fulfill their mission.
- 10) Establishing penalties for non-compliance of both landlords and tenants.
- 11) Excluding owners of hotels or inns. Hotels and inns are defined as short stay properties (typically a few days) for transients.

WHEREAS, the City of Lower Burrell:

- 1) Desires to protect the quality of residential dwelling units.
- 2) Requires a greater control of rental occupancies to better effect the public health, safety and welfare.
- 3) Has an obligation to help ensure proper collection of Per Capita Taxes, Income Taxes, Authority billing and a; other City assessed fees and taxes.

- 4) Reserves the right to periodically review all aspects of this ordinance and revise as deemed necessary.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the

City of Lower Burrell, Westmoreland County, Commonwealth of Pennsylvania and is hereby ordained and enacted by the authority of the same as follows:

A Rental Agreement License is required before any new tenant be allowed to rent, dwell or occupy in any fashion a unit until all procedures, policies and protocols are fulfilled culminating in the issuance of a Rental License by the City Treasurer.

A Rental License is contingent upon the successful inspection of the Code Enforcement Department. The Code Enforcement Officer will review each unit based on a standardized check list (Appendix A).

The fee structures charged to the landlord/property owner will be \$35.00 for each of the first two inspections, One Hundred (\$100.00) Dollars for the third inspection and One Hundred Twenty-five (\$125.00) Dollars for every inspection thereafter.

A flow chart of this application process is detailed in Appendix B.

After each inspection, the property owner will be provided a list of the deficiencies (Appendix C). The property owner will correct the deficiencies before re-occupancy. The Code Enforcement Officer may grant an extension based on the magnitude of the deficiency to be corrected.

A license will not be issued if smoke detectors are lacking in terms of operation or appropriate number.

Also, in the event a landlord/property owner rents, allows dwelling or occupation of a dwelling that has been vacated by the previous tenants without going through the application process, the property owner will incur a fine of up to \$1,000.00 and will than be subject to the inspection process with the current tenant in this unit.

It should be noted that an application can be failed for any inspection deficiency as well as any incomplete or missing information pertaining to either the landlord or prospective tenant. All information must be accurate to the best of the landlord's knowledge at the time of the application.

Existing structures will be subject to a “grandfather” for existing structural dimensions provided the existing structures offer no undue safety hazard, as determined by the Code Enforcement Office, subject to appeal as stipulated in the International Property Maintenance Code (current edition).

All Tenant and landlord information listed must be provided at the time of application and such information may be used for any purpose by any City entity deemed appropriate by Mayor and Council.

All landlords/property owners must inform the Code Enforcement Officer of all rental properties in the City of Lower Burrell. This notice shall be received in writing on or before thirty (30) days after passage of this ordinance. Further, all new acquisitions designated for rental throughout the year must be reported to the Code Enforcement office within ten (10) days after real estate settlement closing on the property. Failure to comply shall be interpreted as by-passing the procedure and will incur a fine of up to \$1,000.00. Also, any landlord that furnishes false information to the City or uses false name or address will be sentenced to a fine of up to \$1,000.00.

This ordinance is not meant to be all encompassing, therefore, in the event a subject topic was not explicitly addressed, the procedure will default to the guidelines of the International Property Maintenance Code, latest edition.

Appendix A – Inspection Form Checklist

Appendix B – Flow Chart

Appendix C – Burstible Form highlighting inspector’s deficiencies.

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