

ORDINANCE NO. 23-03

AN ORDINANCE OF THE BOROUGH OF COALDALE AND AMENDING THE CODE OF ORDINANCES TO ESTABLISH RESIDENTIAL RENTAL HOUSING, LICENSING, AND INSPECTION SYSTEM AND TO ESTABLISH ADMINISTRATIVE PROVISIONS, FEES AND PENALTIES FOR VIOLATIONS THEREOF.

The following is hereby adopted by the Borough Council of the Borough of Coaldale as an Ordinance which shall become a newly ordained as the Residential Rental Licensing and Inspection Ordinance of the Borough of Coaldale, Schuylkill County, Pennsylvania.

PART I
RESIDENTIAL RENTAL LICENSING AND INSPECTION

Section 101-Purposes and Findings

A. Purposes. This ordinance is intended to serve the following purposes:

1. To assist the Borough of Coaldale in protecting and promoting the public health, safety and welfare of its citizens;
2. To establish rights and obligations of Owners and Occupants relating to the rental of certain residential units in the Borough of Coaldale and to seek that Owners and Occupants properly maintain rental housing within the Borough;
3. To ensure that Owners, Managers and Occupants share responsibilities to comply with Codes, to prevent overcrowding, and to avoid nuisances for neighboring residents; and
4. To provide for a system of inspections; issuance and renewal of licenses; and establish penalties for violations.

B. Findings. In considering the adoption of this ordinance, the Borough of Coaldale makes the following findings:

1. This ordinance is enacted under the authority of the Borough Code of Pennsylvania.
2. There is a greater incidence and greater severity of violations of various Codes of the Borough at rental residential properties than at owner-occupied residential properties.
3. There is a greater incidence of problems with the maintenance and upkeep of rental residential properties than at owner-occupied residential properties.
4. There is a greater incidence of problems with maintenance and upkeep of rental residential properties where Owners do not reside within the Borough or nearby.
5. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at rental residential properties than at Owner-Occupied residential properties.
6. A systematic inspection process can avoid life-threatening problems, such as a lack of functioning smoke detectors, faulty mechanical equipment and inadequate or unsafe electrical equipment.

Section 102-Definitions

A. As used in this ordinance the following terms shall have the following meanings. If a term is not defined in this section, but is defined in the Borough Property Maintenance Code or the Uniform Construction Code, then that definition shall apply to this section. If a term is not defined in any of those codes, but is defined in the Borough Planning and Zoning Code, then the definition in such Code shall apply to this section.

1. **Business Days** - Days in which the offices of the Borough of Coaldale are open for public business.
2. **Borough** - The Borough of Coaldale, Schuylkill County, Pennsylvania.
3. **Code** - Any Code or ordinance adopted, enacted, and/or in effect in and for the Borough of Coaldale concerning fitness for habitation or the construction, maintenance, operation, occupancy, vermin or rodent control, or any public health matters, use or appearance of any Premises, Dwelling or Dwelling Unit. This shall include, but not be limited to the Borough Property Maintenance Code, applicable PA Uniform Construction Codes, solid waste ordinances, public health ordinances and noise ordinances.
4. **Code Enforcement Officer** - The duly appointed Code Enforcement Officer(s) having the duty to enforce this Ordinance, the Borough Property Maintenance Code and/or similar codes of the Borough of Coaldale, and any assistants, deputies or police officers duly appointed.
5. **Common Area** - In Multi-Unit Buildings, space which is not part of an individual Regulated Rental Unit and which is shared among Occupants of the Dwellings. Common Areas shall be considered as part of the Premises for purposes of this Ordinance.
6. **Disruptive Conduct** - A form of conduct, action, incident or behavior perpetrated, caused or permitted by an Occupant or Guest of a Regulated Rental Unit.
7. **Dwelling** - A building including one or more Dwelling Units.
8. **Dwelling Unit** - A residential Living area for one household that is used for living and sleeping purposes and that has its own cooking facilities, and a bathroom with a toilet and a bathtub and/or shower.
9. **Guest** - A person on the premises of a Regulated Rental Unit with the actual or implied consent of an Occupant.
10. **Landlord** - This term shall have the same meaning as "Owner".
11. **Manager** - An adult individual designated by the Owner of a Regulated Rental Unit under this Ordinance. The Manager shall be the agent of the Owner for service of process and receiving notices or demands and to perform the obligation of the Owner under this Ordinance and under Rental Agreements with Occupants.
12. **Multi-Unit Building** - A building containing two (2) or more independent Dwelling Units completely separated from each other by vertical party walls or horizontal party floors including but not limited to double houses, row houses, town houses, condominiums, apartment houses, conversion apartments and converted single family dwellings.
13. **Nuisance** - The unreasonable, unwarranted, or unlawful use of public or private Property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of their reasonable rights of person or property.

14. **Occupant** - An individual who resides in a Regulated Rental Unit.
15. **Owner** - One or more Person(s), 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 present use and enjoyment of the Premises, including but not limited to a mortgage holder who is in possession of a Regulated Rental Unit.
16. **Owner -Occupied dwelling Unit** - A Dwelling Unit in which at least one owner of record of the property resides as his/her primary dwelling.
17. **Person** - A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or and other entity.
18. **Police** - Sworn law enforcement officers of the Police Department of the Borough of Coaldale, the Pennsylvania State Police, or any officers of surrounding Police Departments under a Mutual Aid Agreement with the Borough of Coaldale.
19. **Premises** - Any parcel of real property in the Borough of Coaldale, including the land and all buildings and structures, on which one or more Regulated Rental Unit is located unless it is within a dormitory that is owned by a college.
20. **Regulated Rental Unit** - A Dwelling Unit or Rooming House Unit that is occupied for residential purposes and that is not: A) an owner-occupied dwelling unit and B) exempted by this Ordinance from needing a Residential Rental License.

A college fraternity or sorority use for residential purposes shall be considered Regulated Rental Units, unless it is within a dormitory that is owned by a college.
21. **Rental Agreement** • A written Agreement or other legally enforceable Agreement between Owner and Tenant which is required to be supplemented by the Addendum provided in this ordinance embodying the terms and conditions concerning the use and occupancy of a specified Regulated Rental Unit.
22. **Residential Rental License** - The License issued to the Owner of Regulated Rental Units under this Ordinance, and which is required in order to lawfully rent and occupy Regulated Rental Units.
23. **Rooming House Unit** • A living unit that does not meet the definition of a Dwelling Unit and that is not within a Borough permitted hotel or bed and breakfast inn.
24. **Tenant** -An occupant of a Regulated Rental Unit with whom a legal relationship with the Owner is established by a lease or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.
25. **Unrelated Persons** • Two or more persons who reside in a Dwelling Unit and who are not related to each other through blood, adoption, marriage or formal foster relationship.

A person who is only related as a cousin shall be considered unrelated for the purpose of this Ordinance. The term "related" shall be restricted to the following relationships: spouse, parent, child, sister, brother, grandchild, great-grandchild, grandparents, great grandparents, aunt, uncle, or an equivalent of these same relationships in a "step-" or "in-law" situation.

Section 103 - Owner's Duties

A. General

1. It shall be the duty of every Owner to keep and maintain all Regulated Rental Units in compliance with all applicable Borough Codes and Ordinances and to keep such property and premises in good and safe condition.
2. As provided for in this ordinance, every Owner shall be responsible for regulating the proper and lawful use and maintenance of every Dwelling which he/she or it owns. Every Owner shall be responsible to act to minimize Disruptive Conduct, through the rental contract and through its enforcement of leases on the premises by the Occupants of Regulated Rental Units. Written rental agreement, lease, and/or contract is required.
3. Obtain and maintain a Residential Rental License as required by Section 105 for each regulated Rental Unit. If a valid license has not been issued within the time frame established by this Ordinance, or the license has been suspended or revoked, then the Rental Unit shall not be rented for residential use. If a Regulated Rental Unit is rented for residential use without a valid Residential Rental License, such action shall be a violation of the Ordinance.
4. Retain a manager when this article requires that a manager be designated.
5. Take all actions necessary to ensure that each residential rental unit is occupied by only one family or not more than three unrelated persons.
6. This ordinance shall not be construed as diminishing or relieving, in any way, the responsibility of Occupants or their Guests for their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this be construed so as to require an Owner to indemnify or defend Occupant or their Guests when any such action or proceeding is brought against the Occupant based upon the Occupants' conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon Owners other than that which is imposed by existing law.
7. This ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an Owner, Occupant, or Guest thereof.
8. Provide trash and recyclable collection and disposal services and instruct tenants of the method of trash and recyclable collection (e.g., curbside or dumpster) and, if applicable, the day of week of trash and recyclable pickup, or direct tenants to provide for trash and recyclable collection in accordance with all applicable ordinances and regulations.
9. Provide the Borough within 30 days of a change in occupancy of the residential rental unit.

B. Designation of Manager

1. If the Owner is not a full-time resident of the Borough of Coaldale or does not reside within a 20 mile radius of the Borough of Coaldale, then the Owner shall designate a person to serve as Manager who does reside or work on a daily basis within a 20 mile radius of the Borough of Coaldale. If the Owner is a corporation, a separate Manager shall be appointed unless an officer of the corporation is appointed as the Manager and such officer lives within a 20 mile radius of the Borough of Coaldale. If the Owner is a partnership, a Manager shall be required if a partner does not reside within a 20 mile radius of the Borough of Coaldale. Said partner shall perform the same function as Manager. 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 section and under Rental agreements with Occupants.

2. The legal name, mailing address, daytime physical address (not a post office box), and day time and evening telephone number(s) of a person who is designated as the Manager shall be provided in writing by the Owner to the Borough of Coaldale, such information shall be kept current and updated within 5 business days after it has changed.
3. The Manager shall be authorized to accept service of process on behalf of the owner.
4. In addition, an Owner may designate an agent to serve all of the same purposes of the Owner. If an Agent is designated, then the Borough is not required to provide separate notice to the owner.

C. Disclosure

The Owner or Manager shall disclose to the Occupant in writing on or before the commencement of the tenancy or occupancy, the name, address, and telephone number of the Manager, or the name, address and telephone number of the Owner of the Premises if a Manager is not required to be designated.

D. Maintenance of Premises

1. The Owner shall maintain the Premises in compliance with the applicable Ordinances and Codes of the Borough. The Owner shall regularly perform all routine maintenance, including but not limited to: lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
2. The owner shall install and maintain operational smoke detectors in each sleeping area, the hallway leading to the sleeping areas and if the sleeping areas are located upstairs, at the top of the stairwell and as required by applicable Codes. Carbon Monoxide detectors shall be installed in the hallway outside of the sleeping areas of the premises separate from the smoke detectors.
3. However, the Owner and Occupant may agree that the Occupant *is* to perform specified repairs, maintenance tasks, alterations, or remodeling if such responsibilities are established in writing. Such an Agreement may be entered into between the Owner and Occupant only if entered into in good faith and not for the purpose of evading the obligations of the Owner or Occupant.
4. Addendum to Rental Agreement. An Addendum to each Rental Agreement for Regulated Rental Units shall be provided by the Owner to the Occupant before a Rental Agreement is presented for signing by an Occupant. Any alternative version of this Addendum must be pre-approved by the Codes Enforcement Officer. The Owner shall secure a written acknowledgment from Occupant(s) that the Occupant(s) have received the Addendum. Upon oral or written request by the Borough of Coaldale the Owner within ten (10) days of the request shall furnish to the Borough copies of the acknowledgment that the Occupants received the Addendum.

E. Complaints

The Owner or Manager shall respond to and correct problems within 30 days after receiving a valid complaint from an Occupant.

F. The Owner and Occupants shall comply with all provisions of the Pennsylvania Landlord-Tenant Act.

G. Common Areas

The Owner shall be directly responsible to minimize Disruptive Conduct and behavior by Occupants and Guests in any Common Area on the premises. The Owner shall maintain acceptable physical conditions in such common areas and the Owner shall be required to ensure that Common Areas and the outside premises are in compliance with Borough Codes and Ordinances.

H. Borough Can Make Repairs

1. In case the Owner of the Premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation regarding maintenance and repair of the Premises under any Code or Ordinance within the period of time stated in such notice and the order is not appealed to the Borough Council within ten (10) days of the issuance, the Borough may cause the violation to be corrected but shall not have the obligation to correct such violation. There shall be imposed upon the Owner a charge of the actual costs involved, plus 25 percent (25%) of said costs or Fifty Dollars (\$50.00) whichever is greater for each time the Borough shall cause a violation to be corrected. The Owner of the Premises shall be billed after such work has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of interest and provide for a municipal lien to be placed upon the premises as provided by law. Such a lien may be reduced to judgement and enforced and collected as provided by law together with interest at the legal rate, attorney's fees and court costs. If the violation is not corrected the Code Enforcement Officer shall take action under Section 105.C.
2. The Owner or Manager shall allow and schedule inspections by a Code Enforcement Officer of the Premises during Borough Business hours, after a minimum of seven (7) calendar days notice has been provided to the Owner or Manager. The Owner or Manager shall provide a minimum of three (3) calendar days advance notice to at least one adult Occupant of each Rental Unit of the time and date of the Inspection. These advance notice requirements shall not apply when the Code Enforcement Officer has reason to believe that an imminent threat to public health and safety may exist. (See also Section 105.)

Section 104-Occupant's Duties

A. General

1. The Occupant shall comply with all obligations imposed upon Occupants by this ordinance, all applicable Codes and Ordinances of the Borough and all applicable provisions of state law.
2. A Regulated Rental Unit shall not be occupied by more than three (3) "unrelated persons" (as defined in Section 102) unless specifically permitted otherwise by the Borough Zoning Ordinance. A Regulated Rental Unit shall also comply with the occupancy limits of other regulations.

B. Health Regulations

Occupants shall collect and dispose of all rubbish, garbage and other waste in a clean and sanitary manner, and occupants shall comply with Borough Solid waste, sanitation and recycling regulations. Occupants shall keep that part of the premises, which occupant occupies or controls in a clean and sanitary manner.

C. Illegal Activities

Occupants shall not engage in, nor tolerate nor permit guests on the Premises to engage in, any conduct declared illegal under any federal statute, and/or under the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101, et seq) or Liquor Code (47 P.S. §-101 et seq), or the illegal sale or distribution of controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq), or their successor laws.

D. Disruptive Conduct/ Nuisance

Occupants shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the residential rental unit or engage in disruptive conduct, or other violations of this article, codes, Borough ordinances, or applicable state laws. Occupants shall conduct himself/herself and require other persons, including, but not limited to, guests on the premises and within their residential rental

unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

E. Inspection of Premises

Occupants shall permit a Code Enforcement Officer to conduct inspections of the Premises during Borough business hours, after receiving notice from the Owner, Manager or the Borough. (See also Sections 103 and 105)

Section 105- Licenses and Inspections

A. License Requirement

1. A Residential Rental License shall be required for all occupied Regulated Rental Units. Within 60 days after the effective date of this Ordinance, the owner or his duly authorized agent shall be required to apply for a License for each Regulated Rental Unit. A License is required to be in possession of the Owner or Manager within 30 days after the effective date of this Ordinance for each Regulated Rental Unit. For a Rooming House, a single License is allowed for all units within a Rooming House building. All forms and applications shall be provided by the Borough and may be obtained from the Borough Municipal office.
 - a. A Residential Rental License shall not be issued or renewed until:
 - i. All overdue real estate taxes, water, sewage, transmission and garbage collection fees that are owed to the Borough of Coaldale or its authorities have been paid in full, and
 - ii. the Owner has provided information concerning a Manager, if applicable, and has provided a list of names of occupants age eighteen (18) or older.
2. The following shall not be considered Regulated Rental Units for the purpose of this ordinance:
 - a. Owner-Occupied Dwelling units, provided that not more than two (2) unrelated individuals, in addition to the Owner and his/her relatives, occupy the Dwelling Unit at any given time.
 - b. Hotels and motels used for transient visitors to the area, but without units that serve the same purposes as rooming house units, including AirBnB's
 - c. Hospitals and State-licensed nursing homes and personal care homes.
 - d. Bed and Breakfast Homes as defined in the Borough's Zoning Ordinance.
 - e. One dwelling unit that is on the same lot as a second dwelling unit, provided the two dwellings are only occupied by the owner and persons who are related to the owner.
 - f. On-campus dormitories owned by an accredited college or university.
3. Housing Authority Dwelling units that are owned by the Housing Authority within the Borough of Coaldale shall be exempted from the requirements of this ordinance for a regularly scheduled Borough inspection and for payment of a Rental Housing Licensing Fee if the Codes Enforcement Administrator annually determines in writing that the Housing Authority's inspection program is sufficient for serving the purposes of this section. Dwellings owned by the Housing Authority shall be required to comply with requirements of this ordinance concerning evictions, disruptive conduct reports and other provisions of this ordinance, as applicable, unless such provision is specifically preempted by Federal or State Law.

4. The "Application for a Residential Rental License" shall be a form provided by the Borough.
5. The Owner or Manager shall:
 - a. maintain a current list of all Occupants age 18 or older in each Regulated Rental Unit, which shall include their name, address, and telephone number.
 - b. furnish such list to the Borough annually in writing before April 1st of each year, and
 - c. notify the Borough in writing of any changes in the number or names of Occupants age 18 or older within 30 days after a change.

B. Licenses and Fees

1. Each Residential Rental License shall have an annual term and each Regulated Rental Unit shall be subject to a minimum of at least one inspection every three (3) years, based upon a schedule established by the Borough Code Enforcement Officer. The Code Enforcement Officer shall require that Regulated Rental Units be made available for inspection in a designated year and then re-inspect on a schedule of one inspection every three (3) years. The Borough is not obligated to complete all inspections within this schedule. If the Borough, through no fault of the Owner, Manager or Tenant, was not able to complete an inspection of a Regulated Rental Unit in the designated year, the Borough may inspect the Unit in one or more following years.
2. The following time extensions shall apply for the requirements to have a Rental Unit inspection unless there is evidence of a possible code violation on the property. These time extensions shall only apply if the property has not been subject of any Code enforcement actions (other than items that were satisfactorily corrected within 30 days), and has no outstanding taxes, fines or fees due to the Borough of Coaldale or a Borough Authority.
 - a. If an Owner or Manager provides evidence that a Regulated Rental Unit was newly developed within the last year and was inspected by the Borough after construction, then an inspection is not required under this Ordinance for the first three (3) years.
 - b. If an Owner or Manager provides evidence that a Regulated Rental Unit was substantially rehabilitated within the last year, in the determination of the Borough Code Enforcement Administrator, and was inspected by the Borough after the rehabilitation, then an inspection is not required under this Ordinance for the first three (3) years post rehabilitation.
3. Upon application for a License and prior to issuance or renewal thereof, each applicant shall pay to the Borough an annual License and Inspection fee. Fee schedules will be approved by the Borough of Coaldale on an annual basis.
 - a. The fees provided in this ordinance may be revised by written resolution of Borough Council from time to time.
 - b. A Residential Rental Unit shall not be issued or renewed if the Owner has not paid any fines and costs arising from enforcement of this Ordinance or any Codes of the Borough of Coaldale relating to land use and/or Code Enforcement or if any licensing fees under this Ordinance are past due to the Borough.

- c. If a second or subsequent inspection is needed for a dwelling unit or rooming house unit because the Codes Enforcement Officer was not able to enter the Rental Unit at the time that had been scheduled with the Owner or Manager, then an additional rental inspection fee per uninspected unit shall apply.
4. A license or inspection shall not warrant that a Rental Unit is lawful, safe, habitable, or in compliance with all Borough Codes.

C. Inspection

1. Initial inspections will occur in accordance with a systematic inspection program to be prepared and made available upon request by the Code Enforcement Officer. A minimum of 30 days' written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the residential rental license.
2. The Code Enforcement Officer shall inspect residential rental units after completion of the initial inspections under this article in accordance with a systematic program providing for inspections once every three years. The Code Enforcement Officer also shall inspect residential rental units upon receipt of complaints or for any other reasonable cause.
3. If the Code Enforcement Officer, upon completion of the inspection, finds that the applicable codes have not been met, the Code Enforcement Officer shall issue notices and, if appropriate, commence enforcement actions under the procedure set forth in the code which has been violated. The following notices shall be issued to the owner of the residential rental unit or the manager. Notice provided to a manager shall be deemed notice provided to the owner.
 - a. If the Code Enforcement Officer finds violations warranting condemnation of the residential rental unit under the Property Maintenance Code, in addition to the remedies under the Property Maintenance Code, the Code Enforcement Officer shall:
 - i. Issue a ten-day notice of violation; and
 - ii. If after 10 days from the date of the ten-day notice of violation a reinspection reveals that the violations are not corrected and arrangements satisfactory to the Code Enforcement Officer have not been made, the residential rental license for the residential rental unit shall be revoked, and it shall remain vacant until the Code Enforcement Officer conducts a reinspection and grants approval for occupancy.
 - b. If the Code Enforcement Officer finds violations not warranting condemnation of the residential rental unit under the Property Maintenance Code, the Code Enforcement Officer shall issue a thirty-day notice of violation.
 - i. If after 30 days from the date of the thirty-day notice of violation the first reinspection reveals that all violations have not been corrected, a thirty-day legal action warning shall be issued.
 - ii. If after 30 days from the date of the thirty-day legal action warning the second reinspection reveals that all violations have not been corrected, the Code Enforcement Officer shall revoke the residential rental license for the residential rental unit, and if the residential rental unit is vacant, it shall remain vacant.
 - iii. The Code Enforcement Officer shall maintain a list of all residential rental units and their ownership that have been the subject of prosecution during the preceding five years.

D. Warrant

Within the limitations of Federal and State law, a Code Enforcement Officer may apply to a District Court having jurisdiction for an administrative search warrant to enter and inspect a Regulated Rental Unit and the Premises. Such warrant is only required where access to a Regulated Rental Unit or Common Areas is denied to the Code Enforcement Officer after a request.

E. Sale or Transfer of Regulated Rental Unit

A residential rental license shall not be transferred. If a building containing one or more residential rental units is sold or transferred, the new owner shall seek a residential rental license for such residential rental unit(s) or, if the new owner has an existing residential rental license for other residential rental units in the Borough, shall seek to have his existing residential rental license amended to include such newly acquired residential rental unit(s), and the new owner shall have each residential rental unit in such building inspected. Failure to seek a residential rental license or an amendment to the new owner's existing residential rental license within 60 days of the date of sale or transfer of ownership shall result in the revocation of the residential rental license in existence at the time of transfer of a building containing one or more residential rental units.

Section 106 - Non-Renewal, Suspension or Revocation of License.

A. General

A Code Enforcement Officer may initiate the following enforcement actions against an Owner for violating any provision of this Ordinance that imposes a duty upon the Owner and/or failing to regulate the breach of duties by Occupants as provided for herein.

B. Responses to Violations of this ordinance.

1. Notice of Violations

A Code Enforcement Officer shall provide written notification of violations of Borough Codes and require that they be corrected within a reasonable time period that the Code Enforcement Officer establishes in the Enforcement Notice.

- a. A Code Enforcement Officer may determine that the Rental Unit is unfit for Human Habitation, in which case it shall be vacated and remain vacated until such situation is corrected to the satisfaction of the Code Enforcement Officer.

2. Appeals

An appeal from any decision of the Code Enforcement Officer shall be taken to Property Maintenance Board of Appeals, or in absence thereof, Coaldale Borough Council. Such appeal shall be made in writing within 10 working days after such decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefor and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee, which shall be established by ordinance or resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard if such right is requested in the written appeal. The Property Maintenance Board shall make a prompt decision on such appeal. The Property Maintenance Board shall render a written decision, copies of which shall be provided to the Code Official and the appellant.

Section 107 Violation and Penalties

A. Violations

It shall be a violation on this article to commit or to permit any other person to commit the following acts:

1. To lease, let, or allow the occupancy of a Regulated Rental Unit without obtaining a Rental License where required by this ordinance.
2. To refuse to permit inspections required under this article, for a regulated rental unit.
3. To fail to perform duties established in section 103 of this ordinance if such person is owner or manager of a regulated rental unit.
4. To fail to perform duties established in section 104 of this ordinance if such person is an occupant of a residential rental unit.
5. To place false or misleading information on or to omit relevant information from an application for a residential rental unit.
6. To fail to comply with any other provisions of this ordinance
7. To fail to comply with, or abate, violations in the time frame specified on a notice of violation or failed inspection form received from the Code Enforcement Officer.

B. Penalties

1. The penalties and remedies for a violation of Borough Construction Codes or the Borough Property Maintenance Code shall be as established in such other Code.
2. Any Person who violates a provision of this Ordinance shall upon conviction thereof in a District Court be liable to pay the following penalties:
 - a. First Violation on a lot or premises in a calendar year - A fine of Three Hundred Dollars (\$300.00) per regulated rental unit.
 - b. Second Violation on a lot or premises in a calendar year - A fine of Four Hundred Fifty Dollars (\$450.00) per regulated rental unit.
 - c. Third and each subsequent violation on a lot or premises in a calendar year - A fine of Six Hundred Dollars (\$600.00) per regulated rental unit.
 - d. If an Owner fails to obtain a Residential Rental License that is required, a fine of Six Hundred Dollars (\$600.00) per unit shall apply.
 - e. For each day that a violation continues to exist after the time frame established for correction of the violation by a Code Enforcement Officer without same having been appealed, constitutes a separate violation.
 - f. In addition to prosecution of persons violating this article, the Code Enforcement Officer or any duly authorized agent of the Borough may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania against any person or property, real or person, to effect the provisions of this article.

Non-exclusive Remedies

The penalty provisions of this Ordinance and the License non-renewal, suspension and revocation procedures provided in this Ordinance shall not limit the ability of the Borough to enforce other Borough Ordinances and to utilize the penalties, remedies and procedures under such Borough Ordinances and State or Federal law, if applicable.

Section 108 - Miscellaneous Provisions**A. Changes in Ownership/Occupancy**

1. Each Owner of a Regulated Rental Unit shall notify the Code Enforcement Officer in writing within five (5) business days after any change in Ownership of the Premises or of the number of Regulated Rental Units on the Premises, and to submit new contact information. Failure to notify the Code Enforcement Officer shall be considered a violation of this Ordinance.
2. The Owner shall notify the Code Enforcement Officer in writing within a maximum of five (5) business days after the changing of a Dwelling Unit from Owner-Occupied to being a Regulated Rental Unit for purposes of this Ordinance. Failure to notify the Code Enforcement Officer shall be considered a violation of this Ordinance.

B. Owners Separately Responsible

If any Regulated 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 separately subject to prosecution for the violation of this Ordinance.

C. Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid by a court of law, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

D. Repealer

All ordinances or parts of ordinances which clearly are inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

E. Enactment and Effective Date

This is hereby enacted as an Ordinance of the Borough of Coaldale, Schuylkill County, Pennsylvania, and shall become a newly ordained Part 1 within Chapter 11, "Housing" of the Codified Ordinances of the Borough of Coaldale, and shall take effect on ____ Add Date_____.

DULY ENACTED AND ORDAINED this _____ day of _____, 2023, by the Council of the Borough of Coaldale, Schuylkill County, Pennsylvania.

BOROUGH COUNCIL
BOROUGH OF COALDALE

By: _____
President

By: _____
Mayor

Attest:

Secretary

